

ACTS
MADE IN THE
FIRST PARLIAMENT
OF OUR MOST HIGH AND DREAD
SOVERAIGN
CHARLES,
BY THE GRACE OF GOD
King of Great Britane, France,
and Ireland, Defender of the Faith, &c.

*Holden by Himself, present in person, with his Three Estates,
at Edinburgh, upon the 28 day of June, 1633.*



EDINBURGH,
Printed by *Evan Tyler*, Printer to the Kings most
Excellent Majestie, Anno 1633.




GOD, AND MY RIGHT IN MY DEFENCE.



ACT I

ANENT THE TAXATION GRANTED TO
HIS MAJESTY of thirte shillings yearly upon the pound
Land, and the sixteenth pennie of all Annual-rents.



N THE PARLIAMENT holden at *Edinburgh*, the twenty eighth day of *June*, the yeare of God, 1633. THE THREE ESTATES of Parliament being assembled, having taken to their consideration the many blessings, which this nation doth enjoy under his Majesties most wise, happy, and peaceable government, whereof each Estate is most sensible, his Majesties royall zeale for propagating the Gospel of *Jesús Christ*, his care for providing sufficient maintenance for the Clergie, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of discords, releeving the oppressed, and with so caven and fatherly a hand curing the wounds of this Common-wealth, as the wisest eye can finde no blemish in the temper of all his royall actions: And last, the great comfort they have by enjoying his Majesties royall presence, paines taken, and expences disbursed by his Majestie in this his Majesties journey: with a most thankfull acknowledgement, are most earnestly and humbly to entreat his sacred Majestie, to accept of this their voluntary offer of one taxation to be imposed, collected, and payed to his gracious Majestie, in manner, and at the termes following: That is to say, The Dukes, Marquesses, Earles, Vicounts, Lords, and Commissioners of Shires for the temporall Estate, have granted, that there shall be uplifted of every pound land of old extent within this Kingdome, pertaining to Dukes, Marquesses, Earles, Vicounts, Lords, Barons, and Freeholders, and Flewers of his Majesties proper lands, the summe of thirty shillings money at every one of the six severall termes following: *viz.* The summe of thirty shillings money at the feast & terme of *Martinmas*, in the

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year of God, 1634. The summe of other thirtie shillings money at the feast and terme of Martinmas, in the year of God 1635. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1636. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1637. The summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1638. And the summe of other thirty shillings money at the feast and terme of Martinmas, in the year of God, 1639. AND the Archbishops and Bishops for the spiritual Estate, have granted, that there shall be uplifted of all Archbishopsricks, Bishopsricks, Abbacies, Pryories, and other inferiour Benefices within this Kingdome, at every one of the six termes above-specified, the just taxation thereof, as they have beene accustomed to be taxed unto in all time by-gone, whensoever the Temporall lands of this Kingdome were stinted to thirty shillings the pound land of old extent: And the same taxation to be payed at every one of the six severall termes above-specified. AND the Commissioners of Burrows for their Estate have granted, that there shall be uplifted of all the Burrows within this Kingdome, at every one of the six termes above-specified, the just taxation thereof as they have beene accustomed to be taxed unto in all time by-gone, whensoever the Temporall Lands of this Kingdome were stinted to thirty shillings the pound land of old extent. And the said Taxation to be payed at every one of the six severall termes above-written. AND in regard that his Majestie hath erected sundry Prelacies in temporall Lordships, whereby the owners thereof may claime to be taxed with the Barons of the Temporall Estate, and thereby his Majestie will be defrauded of a great part of the said Taxation,

THEREFORE THE SAID ESTATES ordaine, that all erections of Prelacies, and other small Benefices, in whole or in part in Temporall Lordships, shall in payment of the said Taxation pay to the Collectour thereof so much of the same Taxation (*pro rata*) as if they were no wayes erected, and as they were subject to do before the erection of the same. AND such like it is statute and ordained, that all dissolved Benefices within this Kingdome, in whole or in part, shall be subject in payment of so much of the same taxation (*pro rata*) as they would have beene subject to pay, though the same had not beene dissolved. And that those parties, who have gotten any part or portion of any Prelacies or other inferior Benefices dissolved; & new securities made unto them by his Majestie of that part and portion thereof so dissolved, shall be subject in payment of the Taxation thereof to the Prelate or other beneficed person for his reliefe of the same Taxation, as they would have been, for the same had not beene dissolved, notwithstanding of any condition contained in the infeoffments and securities made by his Majestie to them in the contrary thereof.

AND FURTHER, his Majestie and the said Estates annull and discharge all priviledges and immunities whatsoever, whereby any persons may think themselves free of payment of this present Taxation (The priviledges granted to the ordinary Lords and Senators of the Colledge of Justice, and the taxation of Benefices, given, disposed, and mortified for entertainment of the Universities, Colledges, and Hospitalls within this Kingdome onely excepted.) AND further, the said Estates, for a
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more ample testification of their exceeding great affection to his Majesties service, have (beside and attour the ordinary taxation above-written) made a free and willing offer to his Majestie of one yearly extraordinary taxation of the sixteenth penny of all annuall rents which any person or persons within this Kingdome hath freely due and payable to them yearly or termly (Their own annuall rents, wherein they are debted to others being first deduced): The first termes payment whereof shall bee, and begin at the Feast and terme of Martinmasse, in the year of God, one thousand six hundred thirty four years, and so forth yearly, and termly at Whitsunday, and Martinmasse for the space of six years, while the said six years and twelve termes payment thereof bee full and completely out-run.

AND for the better triall of every man his annuall rents, which hee hath yearly or termly due to him: It is ordained, that this act be published at the Market Crosse of *Edinburgh*, and of the whole head burrows of the Sherifedomes, Stewartries, bayleries, and Regalities, within this Kingdome, whereby all his Majesties Lieges may have true notice thereof. AND therewithall the said Estates will, command, and ordaine all his Majesties subjects that have any annuall rents payable to them, That they compeir within the head burgh of the Sherifedome, Stewartrie, baylerie, or Regalitie, or the head burgh of any of those Jurisdictions, wherein the head Courts are holden, and where the said annuall renters dwell, and have their ordinarie residence in any court day in one of the two last weeks immediately preceding, and in one of the two first weeks immediately following Whitsunday, and Martinmasse. At which time the Sheriffs, Stewards, Bayliffs, and Bayliffs of Regalities, & Provest, and bayliffs of free burrows within the bounds of their Jurisdictions, shall be obliged to hold Courts weekly, to the effect after specified. And the Lieges resorting to the said Courts, shall give up one inventar to the Clerk thereof, of the whole summes of money for which annuall rent is due to them yearly or termly, with the names of their debtors, designed by name and surname, and the ordinarie place of their residence. As also the whole summes of money for which they are subject in payment of annual rents to others, with the names of their creditors, to whom the same is due, designed likewise by name and surname, and the place of their ordinarie residence, whether the same annuall rent be in victuall, or in silver: the annuall of victuall to be esteemed according to the stock of money for which it is payd, at eight for ilk hundred thereof. And shall cause the parties, up-givers of the said inventars, everie partie subscribe his own inventar himselfe, if hee can write; and if hee cannot write, the Clerk of the said Court shall subscribe the said inventar in face of the court before the members thereof. And also the sheriffs, stewards, bayliffs, bayliffs of regalities, provest, and bayliffs of free burrowes within the bounds of their jurisdictions: And the clerks themselves shall make and give up an inventar of the debts owing to themselves, and by themselves, as said is. IT IS alwaies provided, that if any person impedit by reason of sicknesse, or distracted by some other just occasion, shall not be present himselfe to give up the said inventar, It shall be lawfull for him to cause any honest responall man within the jurisdiction where hee dwells, compeir and give up his inventar, providing the same be subscribed

scribed by himselfe, or any notar at his command, which the ingiver shall declare to be one true deed, and shall abide at the same upon the like hazzard and danger, as the principall partie should underlye: which shall be als sufficient, as if the inventar had beene given personally up by the principall partie himselfe. And an inventar being once made and given up, shall still stand, and be a ground to charge any person, during the time of the six years of the said taxation, unless the partie change, or otherwise employ his summes: and then he shall give up a new inventar, which shall be a new ground of a charge, and the former shall cease. And the said Clerke shall make a Record in his Register of the said whole inventars: which inventars being so recorded, shall bee extracted by the said Clerke, and subscribed with his hand, And three extracts made of the same; one to be given to the partie, if he require the same; another to be sent by the said Clerke to the Collector of the same taxation; and the third to be sent by the said Clerke, to the CLERKE OF HIS MAJESTIES REGISTER, to be kept amongst the Records of his Majesties Exchequer, to the intent it may bee knowne how far everie party is lyable in payment of the said extraordinarie taxation. For the which extract and note made in Register, the said Clerk shall have of every person, up-giver of an inventar, the summe of foure shillings money. And if by sloth or malice the Clerke shall happen to delay, or shift the Lieges, resorting to the said courts to the effect foresaid, (complaint being made thereof to the Lords of his Majesties privie Councell) the said Clerks shall bee punished accordingly, at the discretion of the said Lords. And at any court day, in any of the said two weekes preceding or immediately following any terme, it shall be leasome to any person to compeir and offer to give up his inventar (hee making payment of the taxation due for the same) which the Clerk and Judge shall be astricted to receive.

AND albeit it be declared, that an inventar once given up shall still stand, and bee a ground to charge any person during the whole termes of the said taxation, except the same be changed in manner foresaid: Yet because sundry, who have this liberty, delay to make payment of the taxation of their moneys after the time be expired, THEREFORE it is provided and declared, that if they failye to make payment of the due taxation of their moneys within twentie dayes after each terme, that the partie so failing, shalbe subject in payment of the triple of the said taxation, for each terme wherein he failyes, and letters shall be direct against them, for payment thereof in forme as effeiris.

FURTHER, for the better observation of this Act, It is declared, that whosoever receives, retaines, or conditions to receive any annuall rent, and concealeth the same, or any part thereof: Or in giving up his inventar of debts and annualls owing by him to his just creditors, giveth up more than he is justly adebted, the up-giver thereof shall forfeit that termes annuall to his Majesties use. AND whosoever first discovers, or reveales, cyther the annuall concealed, or annuall which is more than the up-givers just debt, shall for his reward have the halfe of that termes concealed annuall, and as much as the halfe of that annuall which shall be discovered to have beene unjustly given up. AND in case it shall happen any person or persons whatsoever, by vertue of his up-given inventar, to be charged for payment of his taxation, and at the time of his charge

charge to declare in presence of a Judge by his great oath solemnly sworn, that his debtor is a bankrupt, whereby he is disabled to make payment of his taxation, and is content the Kings Majesty shall have the whole annuall-rent adebted to him by his bankrupt debtor for that terme, The said declaration shall bee a sufficient liberation to him of the same: AND for elchewing of malicious dilators of those who have omitted or concealed their summes, IT is ordained, That whensoever any person shall accuse, or dilate another of concealing, or omitting of summes, the time of making his inventar, he shall condiscend upon some probable cause of his dilation, and shall find caution *de judicato solvi*, in case he fail in proving that which hee dilates. And there shall no such actions of dilations bee lawfull against dead persons, their heires, nor executors, except what the same hath beene intended before the said persons their decease. Neither shall it be lawfull after year and day after the expiring of the said taxation, to intend any such action. AND in case any person purchase woder of Lands, & set the same back again in tak to him who woder set the same, The takemen, possessors of the Lands, shall pay for the stent of the Lands, & the haver of the woder set shal pay for the annual-rent of his money which he hath on the Land, as if the same were imployed for annuall-rent. A T T O U R it shall not be lawfull by no manner of way to any creditor, to get reliefe of his debtor for this taxation which is imposed upon annuall-rents, by this statute, under the paines contained in the Acts of Parliament made anent Usurers. AND concerning Minors, it is declared, That their minority shall no wayes priviledge them, but their tutors and curators shall give up their inventars of their annuall-rents in their names, which if the said tutors and curators failye to doe, the said Minors shall incurre the like danger as others, and at their perfect age, shall have action of reliefe against the said tutors and curators for that cause. AND in case any person depart out of this Kingdome after the publication of this present Act, the same shall no wayes excuse him from giving up an inventar of his annuall-rents, and payment of the said Taxation, and underlying of the danger contained in this present Act. But they who are presently forth of this Kingdome, and shall not returne before the tearme of Whitunday, in the year of God, one thousand six hundred thirtie five, they shall not come under the danger of this Act untill the tearme of Martinmasse thereafter, providing, that at that terme, they give up their inventars, and pay their Taxation, as if they had beene present within the Kingdome, before the foresaid terme of Martinmasse: AND for uplifting of the same Taxation, granted upon annuall-rents, & to the intent his Majesties generall Collector thereof, may know whom to crave and charge for the same; IT is statute and ordained, that within every Sherifsdome, Stewartrie, Baylyerie, and regaltie, where the offices of Sheriffs, Stewarts, Bayliffs are heritable, and the Provest and Bayliffs of free Burrowes, these heritable officers and their deputes, for whom they shall bee holden to answer, and Provest and Bailieffs of free Burrowes, shall collect the said Taxation, and make payment thereof to his Majesties Collector generall of his said Taxations. And where these offices of Sheriffs, Stewarts, and Bayliffs, are not heritable but changeable; The Clerks within the said jurisdictions (having their offices *ad vitam*) shall bee collectors thereof. And in case the said Clerks have not already

ready found sufficient caution for discharging of their offices, they shall bee holden before they have any intromission with the same Taxation, or exercise their office of Sheriff Clerk, after the foresaid terme of Martinmasse, in the year of God, one thousand six hundred thirtie four years, to find sufficient caution for that effect. AND where there are no heritable Officers, nor Clerks (having their offices *ad vitam*) and have not found caution in manner abovewritten, the said Collector generall of his Majesties Taxation, and his Deputes in his name sufficiently authorized by him, and for whom hee shall bee holden to answer, And whose name hee shall cause publish at the Market crosse of the head Burgh of that jurisdiction, where there is no heritable Officers nor Clerks (*ad vitam*) that his Majesties Lieges may know to whom they shall make payment, shall collect, and uplift the same Taxation; which payment being made, the receiver thereof shall bee obliged to deliver to the payer thereof an acquittance upon the receipt of the same, *gratis*, without payment of any money for the same. IT IS likewise provided, that the fees of the collectors and receivers of the same Taxation of annuall-rents, shall be, likewise hereby they are remitted to the discretion & arbitrement of the Lords of his Majesties privie Councell, to bee set downe and agreed upon by them. AND the said Estates hereby discerne and declare, that all burghesses and freemen within burgh, albeit they be taxed in the ordinary Taxation above written, with their neighbours, conforme to the order prescribed for collecting of the burrowes part of the said ordinary Taxation; yet the same shall no wayes liberate nor free them from payment of their parts of the said extraordinary Taxation, according to the proportion of the sixteenth penny of their annuall-rents, but shall bee lyable in payment thereof, as others his Majesties Lieges are. ATTOUR the said Estates annuall, and discharge all priviledges, and immunities whatsoever, whereby any person may thinke themselves free of payment of any part of this present extraordinary Taxation, the priviledges and immunities granted to the ordinary Lords of Session, with the annuall-rents due to be payed to Colledges, Schools, and Hospitalls, or mortified for sustentation and upholding of Kirks and bridges, with the annuall-rent that might bee claimed of poor People, whose stock exceeds not the summe of five hundred Merks Scots, only excepted.

ACT II.



ACT II.

ANENT THE COLLECTING AND IN-

Bringing of the Taxation, and reliefe to Prelates.



IN THE PARLIAMENT

Holden at Edinburgh upon the twentie eight day of June, the year of God, 1633.

THE THREE ESTATES of the said Parliament, being assembled, having taken to their consideration the many blessings, w^{ch} this nation doth enjoy under his Majesties most wise, happy, and peaceable government, whereof each Estate is most sensible, his Majesties royall zeale for propagating the Gospel of Jesus Christ, his care for

providing sufficient maintenance for the Clergie, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of discords, relieving the oppressed, and with so eaven and fatherly a hand curing the wounds of this Common-wealth, as the wisest eye can finde no blemish in the temper of all his royall actions: And last, the great comfort they have had by enjoying his Majesties royall presence, paines taken, & expences disbursed by his Majestie in this his Majesties journey: with a most thankful acknowledgement, are most earnestly and humbly to entreat his sacred M^{ty}. to accept of this their voluntary offer of one taxation ordinary to be imposed, collected, and payed to his gracious M^{ty}. in maner, and at the termes following: That is to say, The summe of thirtie shillings money at the feast and terme of Martinmasse, in the yeare of God, 1634. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1635. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1636. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1637. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1638. And the summe of other thirtie shillings money at the feast and terme of Martinmasse, 1639. AND for the spirituall men and burrowes parts of the same taxation, That there shall be uplifted of everie Archbishoppricke, Bishoppricke, Abbacie, Pryorie, and other inferiour benefice, and of everie free burgh within this kingdome, at everie one of the said six termes payment, the just taxation thereof, and as they have been accustomed to be taxt unto in all time by-gone, whensoever the temporall Lands within this Kingdome were stented to thirtie shillings money the pound land of old extent. And the same taxation to be payd at every one of the six severall termes above-written. AND FOR inbringing of the spirituall mens parts of the same tax-

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tion, Ordains letters to be direct, charging all and sundrie Archbishops, Bishops, Abbots, Priors, as likewise all Noblemen and others, in whose favours the erection of any prelacie, or other inferior benefice, or any part or portion thereof, be it in lands, kirks, or teyndes, Or in whose favours the patronage of any benefice, kirkes, or teyndes are past, and all other beneficed persons contained in the taxt rolls, their heritable bayliffs, chamberlanes, factors and intromettors, with their rents and living personally, or at their dwelling places, and by open proclamation at the Market crosses of the head burrowes of the Sherifdomes, Stewartries, and Bayleries, where the said Prelacies, erected Lordships, and small Benefices lye, if they be within this Kingdome, And if they be without this Kingdome, by open proclamation at the Market crosse of *Edinburgh*, Peir and Shore of *Lieth*, upon threescore daies warning, to make payment of that summe, that they and ilke one of them are taxt unto, for every one of the said six termes, To the Collector generall of the said taxation, appointed or to bee appointed by his MAJESTIE, or his Deputes and Officers in his name, having his power and commission to receive the same, at the particular termes above-written, under the paine of rebellion, and putting of them to the horne. And if they failye therein, at the by-passing of every one of the said termes, To denounce the disobeyers rebels, and put them to the horne, and to escheat, &c. And that the Prelates, and beneficed persons, and such Noblemen, and others, in whose favours the erections and patronages above-written are past, For their reliefe have letters, charging their vassals, subvassals, ladies of terce, conjunctfeears, and life-renters, fewars, taksmen, and pensioners, To make payment of their part of the said taxation ilk one of them (*pro rata*) according to the summe they shall bee taxt unto; To the said Prelates, and other beneficed persons, and to the said Noblemen, and others, having power to receive the same, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they failye, &c. To denounce, &c. and escheat, &c. And to poynd and distrenyie therefore, as they shall think most expedient: Providing alwaies, that the first termes payment of the said taxation bee ever past, before the next termes payment be charged for. And the Estates declare, That the production of sufficient hornings against the said vassals, fewars, taksmen and pensioners, shall be a reliefe to the said Prelates, Lords of erection, and beneficed persons, and shallexoner them (*pro tanto*) from payment of the said taxation. Providing that the same hornings, with their taxt rolls authentickly made and subscribed by the said Prelates, Lords of erections, and other beneficed persons, and by their Fewers, Vassals, Taksmen and Pensioners in manner hereafter prescribed, containing the particular summe which each one of them are taxt unto, bee delivered to the Collector of the same Taxation, within the space of threescore dayes after every Terme: Otherwise he shal be no wayes obliged to receive the same, neither shall the Prelate, Lord of erection, nor beneficed person bee exonered by production of the same at any time thereafter.

And farther, that the said Prelates and such noble men, and others in whose favours the Erections and Patronages above written are past, and all other beneficed persons may have their reliefe of their Vassals, Subvassals

vassals, Ladies of terce, conjunct-secars, live-renters, fewers, takl-men, and pensioners: To the greater ease, and lesse trouble to their said Vassals and others foresaid. And to the effect, that every one proportionally may pay his part of the said Taxation, according to the quantity and availle of the free rent which hee hath of his benefice, lands, pensions, Kirkes, and teind-sheaves pertaining to him, aswell Prelate, Lord of creation, Patron, and other beneficed persons themselves, as the Fewer, Takl-man and Pensioner.

It is thought expedient, statute and ordained, that the said Prelates and others above-rehearsed, every one of them severally shall conveene his whole Fewers, Vassals, Takl-men, and Pensioners at the particular places hereafter designed. They are to say, The Archbishop of *S^t. Andrews*, at the Citie of *S^t. Andrews*: the Archbishop of *Glasgow*, at the Citie of *Glasgow*: the Bishop of *Orkney*, at the towne of *Kirkwall*: the Bishop of *Cathnes*, at the towne of *Durnoch*: the Bishop of *Ross*, at the towne of *Chanorrie* of *Ross*: the Bishop of *Murray*, at the towne of *Elgin*: the Bishop of *Aberdene*, at the burgh of *Aberdene*: the Bishop of *Brechin*, at the burgh of *Brechin*: the Bishop of *Dunkeld*, at the towne of *Dunkeld*: the Bishop of *Dumblane*, at the towne of *Dumblane*: The Bishop of *Galloway*, at the towne of *Wigton*: the Bishop of *Argyle*, at the towne of *Innerara*: the Bishop of the *Isles*, at the burgh of *Rothsay* in *Bute*: the Abbot of *Icolmkill*, at the burgh of *Inverness*: the Pryor of *Ardchattan*, at the burgh of *Innerara*: the Abbot of *Ferne*, at the towne of *Tayne*: the Lord of *Bewlie*, at the burgh of *Inverness*: the Lord of *Kinloss*, at the burgh of *Forres*: the Pryor of *Pluscarden*, at the burgh of *Elgin*: the Lord of *Diere*, at the towne of *Peterhead*: the Pryor of *Fyvie*, at the towne of *Turreffe*: the Pryor of *Monymuske*, at the towne of *Monymuske*: the Lord of *Arbroath*, at the burgh of *Arbroath*: the Lord of *Scoone*, at the burgh of *Perth*: the Lord of *Cowper*, at the towne of *Cowper* in *Angus*: the Pryor of *Restenneth*, at the burgh of *Forfar*: the Collector of the same Taxation in place of the Pryor of *Charterhouse*, the seat now vacand, at the burgh of *Perth*: the Pryor of *Elcho* at the same burgh of *Perth*: the Pryor of *Strathmillane*, at the Kirke of *Comrie*: the Lord of *Insheschaffray*, at the burgh of *Perth*: the Pryor of *Inchmahome*, at the burgh of *Stirling*: the Pryor of *Saint Andrews*, at the Citie of *Saint Andrews*: the Baylisfe of the Regalitie of *Dumfermling*, at the burgh of *Dumfermling*: the Lord of *Balmerinloch*, at the burgh of *Cowper* in *Fyfe*: the Lord of *Lundores*, at the burgh of *Cowper* in *Fyfe*: the Maisters of *Saint Leonards Colledge*, in *Saint Andrews*: for the Pryorie of *Portmoke*, at the burgh of *Cowper* in *Fyfe*: the Pryor of *Pettenweime*, at the burgh of *Pettenweime*: the Lord of *Saint Colmbe*, at the burgh of *Inverkeithing*: the Lord of *Culros*, at the burgh of *Culros*: the Abbot of *Cambuskyneth*, at the burgh of *Stirling*: the Lord of *Torphechin*, at the burgh of *Linlithgow*: the Pryor of *Manwell*, at the burgh of *Linlithgow*: the Lord *Holie-rud-house*, at the burgh of *Edinburgh*: the Lord *New-bottle*, at the burgh of *Edinburgh*: the Pryoresse of *Hadingtowne*, at the burgh of *Hadingtowne*: the Lord of the temporall lands of the Pryorie of *North-berwicke*, at the burgh of *North-berwicke*: the Patron and Person of the Kirke of *Kilconchare* dissolved

from the Pryorie of *North-berwicke*, at the towne of *Elie*: the patron and parson of the Kirke of *Largo* dissolved from *North-berwicke*, at the towne of *Largo*: the patron and parson of the Kirke of *Mayboill* dissolved from *North-berwicke*, at the towne of *Mayboill*: the patron and parson of the Kirke of *Logie* dissolved from *North-berwicke*, at the burgh of *Stirling*: the Lord of *Kelfo*, at the towne of *Kelfo*: the Lord of *Coldinghame*, at the towne of *Eymouth*: the Lord of *Dryburgh*, at the towne of *Dryburgh*: the Pryor of *Eccles*, at the towne of *Dunce*: the Pryor of *Cold-streame*, at the burgh of *Dunce*: the Lord of *Iedburgh*, at the towne of *Iedburgh*: the Lord of *Melrosse*, at the towne of *Melrosse*: the Lord of *Paislay*, at the towne of *Paislay*: the Lord of *Blantyre*, at the burgh of *Glasgow*: the Lord and Bayliffe of the temporall lands of *Kilwyning* dissolved from the Abbacie of *Kilwyning*, at the burgh of *Irwing*: the Abbot of *Corfraguell*, at the towne of *Mayboill*: the Pryor of *Whithorne*, at the burgh of *Whithorne*: the Abbot of *Saulsette*, at the burgh of *Whithorne*: the Pryor of *Saint Mary-Ile*, at the burgh of *Kirkcubright*: the Lord of *Dundrennan*, at the burgh of *Kirkcubright*: the Lord of *Glenluce*, at the burgh of *Wigtoun*: the Abbot of *Tungland*, at the burgh of *Wigtoun*: the Abbot of *New-abby*, at the burgh of *Dumfries*: the Abbot of *Holie-wood*, at the burgh of *Dumfries*: the Pryor of *Cannobie*, at the burgh of *Annand*: the Baron and Bayliffe of the baronie of *Brughtoun* dissolved from the Lordship of *Holie-rud-houfe*, at the burgh of *Edinburgh*: the heritours of the hundred pound land of the barony of *Monkland* dissolved from the Lordship of *Newbottle*, at the Citie of *Glasgow*: the Minister of *Falsoorde*, at the burgh of *Aire*: the Minister of *Scotland-well*, at the burgh of *Saint Andros*: the Minister of the Crosse-Kirke of *Peebles*, at the burgh of *Peebles*: the parron and parson of the Kirke of *Dundie* dissolved from the Abbacie of *Lyndores*, at the burgh of *Dundie*, and all other small beneficed persons at the parish Kirkes of their particular benefices: And that they convene to the effect above-written upon the thirteenth day of August, in the year of God, one thousand six hundred thirty four years, which is declared to be the precise day appointed for all their Vassals, Fewers, Taks-men, and Pensioners to keepe the said meeting, and that no further citation nor summoning shall bee requisite, than this Proclamation and publication of this present Act at the Market-crosses of the head burrowes of this Kingdome.

And here with it is resolved by his Majesty and the said Estates, that if any Vassals, Sub-vassals, Fewers, Taks-men of reinds, Pensioners, or any other justly bound to make reliefe to Prelate, Lord of erection, Patron, or other beneficed person of any part of the said Taxation, shall send any procurator in his name sufficiently authorized to the said meeting: the same shall not only excuse the principall parties absence, but the procurators shall bee admitted in all things, and received to doe and performe in the distribution of the said Taxation, what could or lawfully might have beene done by him who sent him.

It is likewise declared, that the Prelate, Lord of erection, Patron, or other beneficed person, impedit by disease, or distracted upon some other necessary occasion from attending that meeting, having his absence supplied

supplied that day by a sufficient worthy person whom he shall authorize and appoint to that effect, shall be as lawfull as if he were personally present himself: and the party so authorized shall be admitted and received in all things, to doe and performe in the distribution of the same Taxation, what could or lawfully might have beene done by him who sent him.

It is further statute and ordained, that at the said day of meeting, the said Prelates, Lords of erections, patrons, and other beneficed persons, shall by themselves, or by their procurators lawfully authorized as said is: Fence, and hold a Court, call by name and surname upon every one of their Vassals, Sub-vassals, Fewers, Taks-men of teinds, Pensioners, and others obliged to relieve them of any part of the same Taxation, and lawfull time and day being bidden; To shew to their said Vassals, Fewers, Taks-men, and Pensioners, or their procurators compearing for them, the quantitie of the Taxation imposed upon their prelatie, erected Lordship, or other benefice authentickly subscribed by the Clerke of the same Taxation. And they all (at the least so many of them as shall convene for this effect with one consent) shall distribute the same to be payed by every man, as well by the Prelate, Lord of erection, and present possessor of small benefice, for the free rent that every one of them hath of their Prelacies, erected Lordships, and small benefices, as by the Vassall, Fewer, Taks-man, and Pensioner, according to the great and small quantitie of the free rent, which every one of them hath either of their lands, teinds, or pensions: with certification to any of the said persons, Fewers, Vassals, Taks-men, and Pensioners that compeare not by themselves or their procurators at the day and place above specified to the effect foresaid; That such as shall convene with the said Prelates, Lords of erections, Patrons, or other beneficed persons, or their procurators shall proceed in the equall distribution of the same Taxation, as well amongst them that are absent as present, and shall make and subscribe an authenticke taxt-roll thereupon. And in case that none of the said Vassals, Fewers, Taks-men, and Pensioners, shall convene at the day and places above specified, to this effect by themselves or their procurators, but shall wilfullie absent themselves from the said meeting: It shall bee lawfull for the said Prelates, Lords of erections, Patrons, and other beneficed persons, being present by themselves or their procurators at the day and places above specified, to make, set downe, and subscribe the same taxt-roll: And in case any of the said Prelates, Lords of erections, Patrons, or other beneficed persons, shall not convene by themselves, or their procurators, at the day and places above specified, particularly designed to everie one of them, It shall bee lawfull for the said Vassals, Fewers, Taks-men, and Pensioners, at the least so many of them as shall convene by themselves or their Procurators, to make, set downe, and subscribe the said taxt roll. Which taxt Roll shall containe the particular summe that everie one shall be found justly to be adebted to pay; the parties name adebted to pay the same, and the cause wherefore the same ought to be payed. And being so set downe eyther by the Prelates, Lord of erection, Patron, and other beneficed person, or their lawfull Procurators, with so many of their Vassals, Subvassals, Fewers, Taks-men of teynds,

teinds, Pensioners, and others obliged to relieve them of any part of the same taxation, as shall convene with them to this effect: And in case that none shall convene with them, the said roll being then set downe by the Prelate, Lord of erection, Patron, or other beneficed person, or their lawfull Procuratours, or in case of their absence being set downe, made, and subscribed by the most part of the said Vassals, Fewers, Takf-men, and Pensioners by themselves, or their Procuratours as shall convene themselves for this effect; His Majestie and the said Estates discern to be as lawfull in all respects, as if the whole number of persons having interest therein, had convened, made, set downe, and subscribed the same: which tax-roll being set downe, made, and subscribed in manner above-written (and no otherwise) and delivered to the Clerk of the taxation; His Majestie and the said Estates ordaine him to give warrant for giving of letters of reliefe thereupon, discharging him in any case to give warrant for giving of letters of reliefe upon any roll presented unto him, not made and authentickly subscribed in forme above-written, as he will answer to the contrarie upon his perill.

It is likewise statute and ordained, that Takf-men of teyndes shall have their reliefe of their subtakf-men, *pro tanto*, respect being had to the gersome payed by the said sub-takf-men. AND FOR INBRINGING of the Barrons and free-holders part of the same taxation, and of the fewers and rent-tellers of our soveraigne Lords proper lands their parts thereof: Ordaine letters to be direct, charging all and sundrie Sheriffs, Stewarts, Bayliffs, their Deputes and Clerks, Fewers, Chamberlanes, and Rent-tellers of our Soveraigne Lords proper lands; that they and every one of them within the bounds of their proper offices, raise and uplift the summe of thirtie shillings money of this Realme, of every pound land of old extent lying within the bounds of their jurisdictions, for every one of the six termes above-specified. And inbring and deliver the same to the collector foresaid, or to his Deputes and Officers in his name, having his power to receive the same at the particular termes above specified, under the paine of rebellion, &c. And if they failye at the by-passing of every one of the said termes, to denounce and escheat, &c.

And for their relief, that letters be direct, charging all & sundrie Dukes, Earls, Lords, Barons, Free-holders, Fewers, and Renttellers of our Soveraigne Lords proper lands, personallie, or at their dwelling places, and by open proclamation at the Market crosse of the head burgh of the Sheriffdome, Stewartrie, Baylerie, where their lands lye, if they bee within the Kingdome, and if they be without the Kingdome, by open proclamation at the market crosse of *Edinburgh*, peir and shore of *Leith*, upon threescore dayes warning: to make payment to the said Sheriffs, Stewarts, and Bayliffs, their Deputes and Clerks, Chamberlanes, and receivers of our Soveraigne Lords proper lands, every one of them for their own parts *respective*, of the said summe of thirtie shillings money foresaid, for every pound land of old extent, pertaining to them for everie one of the said six termes payment. Within twentie daies next after they bee charged thereto, under the paine of rebellion, &c. And if they failye, &c. To denounce and escheat, &c. And if neede bee, that the said Sheriffs, Stewards,

Stewarts, Bayliffs, their Deputes and Clerkes, Chamberlanes, and Receivers of our Sovereigne Lords proper lands, poynd and distrenyie the readiest goods and geare being upon the said lands therefore, as they shall think most expedient. And that the said Earles, Lords, Barons and Freeholders, Fewers, and rent-tallers of our soveraigne Lords proper Lands have letters for their reliefe, to charge their Vassals, Subvassals, Ladies of Terce, Coniunct-fecars, & Life-renters, to make payment of their parts of the said Taxation, within twentie daies next after the charge, under the paine of rebellion, &c. And if they failye, &c. To denounce, &c. And escheat, &c. And if need bee, that they poynd, and distrenyie therefore. Providing alwaies, that the first termes payment of the said Taxation be ever past, before the next terme bee charged for. AND for inbringing of the burrowes part of the same taxation, ordains letters to be directed, charging the Provest and Bayliffs of ilk Burgh, to make payment of the taxt and stent thereof, to the Collector generall afore said, his Deputies, and Officers in his name, having his power to receive the same at the particular termes above-specified, under the paine of rebellion, &c. And if they failye, &c. To denounce and escheat, &c. And for their reliefe, that letters be direct, charging the Provest, Bayliffs, and Councell within each burgh, to conveene and elect certaine persons to stent their neighbours. And the said election being made, to charge the persons elected, to accept the charge upon them, in setting of the said stent upon the inhabitants of every burgh, and to conveene and set the same, and make a stent roll thereupon, as effeiris, within twentie foure hours next after their charge, under the paine of rebellion, &c. And if they failye, &c. To denounce, and escheat, &c. And such like, the said stent Roll being made and set downe, as said is, To charge the Burgesses, In-dwellers, and Inhabitants within ilk burgh, to make payment of their part of the said stent, to the said Provest and bayliffs, conforme to the taxt roll to be given out thereupon, within three dayes next after the charge, under the paine of rebellion, &c. And if they failye, &c. To denounce, &c. and escheat, &c. And if need be, that the said Provest and Bayliffs poynd and distrenyie therefore, as they shall think most expedient. IT IS alwaies provided, that no person whatsoever be stented or taxt within burgh, except according to the availe, and quantitie of his rent, living, goods, and geare, which he hath within burgh: no wayes respecting his lands, nor possessions, which he hath to Landward; for the which hee will be obliged to pay taxation to other officers. Providing alwaies, that the first termes payment of the said taxation be ever past, before the next terme be charged for.

ATTOUR, His Majestie, and his said Estates decerne and declare, that the charges to be given for payment of the said taxation, shall be executed before the termes of payment above-specified, for everie termes payment particularly by it selfe: And that the denunciation of horning following thereupon, shall not be execute untill the termes payment bee by-past, and twentie daies thereafter. Which denunciation so following, upon the charges given before the said termes of payment, His Majesty and Estates decerne and declare, to be valid and sufficient.

And his MAJESTIE, and the said Estates considering the great abuse
which

which hath been used in all time by-gone by sundrie of the Lieges of this Kingdome against all good conscience, in causing of their poore Farmerers, Tenants, and Labourers of the ground being removeable, who are subject in payment of very deare Fermes and other duties, to relieve them of the whole burden of by-gone taxations, which hath been the occasion of impoverishing a number of the said Farmerers, labourers, and tenants, and bringing of them to utter wrack and ruine, whereas of reason they should be altogether free from payment of any taxations, And the same should be payed by such as have free rents, lands, and goods of their owne. **FOR REMEDIE** whereof, it is statute and ordained that no persons whatsoever exact or compell his tenants, or farmerers removeable, who payes ferme, and other deare duties for the lands occupied by them, to pay any part of this present Taxation, or to seek reliefe at their hands of the same. And if the same be found done by any persons, that they shall be called and conveened therefore before his Majesties Justice, and his Deputes, or before his Majesties Councill as violent and masterfull oppressors of his Majesties subjects, and punished therefore according to Justice.

AND FURTHER, the said Estates, beside the ordinarie taxation above-written, have for the space of six years next, and immediately following the terme of Martinmasse, 1634. years, freely and voluntarily granted to his Majestie a yearly extraordinary taxation of the sixteenth pennie of all annuall rents, which any person or persons within this Kingdome hath freely due and payable unto them, yearly and termly, (their own annuall rents, wherein they are adebted to others being first deduced.) The first termes payment thereof shall be, and beginne at the said Feast and terme of Martinmasse, 1634. yeares: and so forth yearly and termly at Martinmasse and Whitsunday, untill the said six yeares and twelve termes payment thereof be fully and completely out-run. **AND** whereas his Majestie and Estates have by act of Parliament authorisef all and sundrie heretable Sheriffs, Stewarts, Bayliffs, and Bayliffs of regalities, and their Deputes, and the Provests and Bayliffs of freeburrowes within the bounds of their jurisdictions, as likewise the Clerkes within the jurisdictions where these offices are not heretable: which Clerks have their offices (*ad vitam*) To collect the said extraordinarie taxation, and to make payment thereof to the Collector generall of the same taxation. **THEREFORE**, and for inbringing of the said extraordinarie taxation, Ordains letters to be direct, charging all and sundrie the said heretable Sheriffs, Stewards, bayliffs, bayliffs of regalities, and their Deputes and Clerks, and the said Provests and bayliffs of free-burrowes, and their Clerks: as likewise the Clerks within the jurisdictions where these offices are not heretable, that they and every one of them by North the water of Dee within the space of fifteen dayes after every terme of Martinmasse and Whitsunday: and that they and every one of them by South the water of Dee within the space of ten daies after every terme of Martinmasse and Whitsunday, deliver to his Majesties said Collector generall, a true and just accompt and inventar of the whole summes of money due to be payed by any person within the bounds of their jurisdiction, for his part of the said extraordinary taxation,

taxation, And that they give up the same compt & inventar upon their oath, solemnly sworne, that the same is just and true: And to make payment to his Majesties said Collector generall, or to his Deputes in his name, having his power to receive the same, of the whole moneys due to be payed to his Majestie, conforme to the said compt and inventar, within twentie dayes after each terme, under the paine of rebellion. And in case the said Sheriffs, Stewarts, Bayliffs, Bayliffs of regalities, their Deputes, and Clerks, failye, &c. To denounce and escheat, &c. **FOR WHOSE RELIEFE** that letters be direct, charging all and sundrie the said annuall renters, to make payment to the said Sheriffs, Stewards, Bayliffs, Bayliffs of regalities, their Deputes and Clerks, Provests, and Bayliffs of free burrowes, of the said sixteenth pennie of all annuall rents, freely due and payable to them, within twentie daies next after the charge, under the paine of rebellion, &c. And if they failye, &c. To denounce, &c. And if neede bee, That the said Sheriffs, Stewards, Bayliffs of Regalities, Clerks, Provests, and Bayliffs of free burrowes, poynd and diffrenye therefore, as they shall thinke most expedient.

AND HIS MAJESTIE and the said Estates, ordaine the Lords of Session, to bee onely Judges to all suspensions to bee craved and sued by any of our sovereigne Lords Lieges, touching the said taxation: Which suspensions, the said Estates finde may be granted upon lawfull and equitable reasons to bee considered by them: And discharge all other Judges within this Kingdome, of granting of any suspensions thereanent. With power to the said Lords, To delegate five at the least of their ordinary number, as they shall thinke expedient, To sit, cognosce, and decide the said suspensions, in time of vacance, if neede be. And sicklyke, to depute Commissioners for trying and judging of concealments, with as ample and full power to be given to them, as the said Lords of Session, by vertue of this present Act, have.

ACT III

RELATION OF THE ACTS

touching Rebellion

OUR SOVERAIGNE LORD, With advice
in full session of his highnes, judges and approves all and
the same, and the same are before, and the
being and freedom of the true Rike of God, and Re-
ligion lawfully preserved within this Realme. And do
give full force and effect as if they were passed
in full session of his highnes, judges and approves all and
the same, and the same are before, and the

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ACT III.

ACT V

ACT III.

ANENT HIS MAJESTIES ROYALL

Prerogative, and Apparell of Kirkmen.



OUR SOVERAIGNE LORD, With advice, consent, and assent of the whole estates, acknowledging his Majesties Sovereigne Authoritie, Princely Power, royall Prerogative, and Priviledge of his Crowne, over all Estates Persons, and Causes whatsoever within this Kingdome, Ratifies and approves the Act of Parliament, made in the year 1606. anent the Kings royall Prerogative and perpetually confirms the same, for his Highnes, his Heires and Successors, als amply, absolutely & freely in all respects, as ever any of his Majesties royall Progenitors did possesse, and exercise the same. And withall remembring, that in the Act of Parliament made in the year 1609. anent the Apparell of Judges, Magistrates, and Kirkmen; IT WAS agreed, That what order soever his Majesties Father of blessed Memory should prescribe for the apparell of Kirkmen, and send in Writ to his Clerk of Register, should bee a sufficient Warrant for inferring the same in the bookes of Parliament, to have the strength of an Act thereof: HAVE all consented, that the same Power shall remaine with the Person of Our Sovereigne Lord, and His Successours that now is, And with the same clause for execution thereof, as in the said Act is contained.

ACT IIII.

RATIFICATION OF THE ACTS

Touching RELIGION.



OUR SOVERAIGNE LORD, With advice and consent of the Estates, ratifies and approves all and whatsoever acts and statutes made before, anent the libertie and freedome of the true Kirke of God, and Religion presently professed within this Realme, And ordaines the same to stand in their full force and effect, as if they were specially mentioned, and set downe herein.

ACT V.

ACT V.

RATIFICATION OF THE ACT OF Councell anent Plantation of Schooles.



OUR SOVERAIGNE LORD, With the Advice of the States, ratifies the Act of secret Councell, dated at *Edinburgh* the tenth day of December, one thousand six hundred and sixteene years, made anent the planting of schooles, with this addition, That the Bishops in their severall Visitations, shall have power with consent of the heritours, and most part of the Parishioners, And if the heritour being lawfully warned refuses to appeare; Then with consent of the most part of the Parishioners, to set downe and stent upon everie Plough or Husband Land, according to the worth, for maintenance and establishing of the said Schooles. And if any person shall find himself grieved, it shall bee lawfull to him to have recourse to the Lords of secret Councell, for redresse of any prejudice hee may or doth sustaine. And ordaine letters to be direct, for charging of the possessours for the time, to answer and obey the schoole-masters of the duties that shall bee appointed in manner foresaid.

ACT VI.

AGAINST THE INVERTING OF Pious Donations.



OUR SOVERAIGNE LORD, With the Advice of the Estates, understanding that certaine persons piously disposed, have of late bestowed certaine gifts in Lands, heritages, and summes of money, in favours of Colledges, Schooles, Hospitals, and other pious uses, which by the Administrators, and such others as they have entrusted with the managing thereof; are inverted to other uses than the Will of the disponent, upon some specious pretences, contrarie or different from the Disponents intention, to the evill example of others, and the hinderance of such and the like charitable works, against all reason and conscience. **THEREFORE** it is statute and ordained, that it shall no waies be lawfull to alter, change or invert any of the said gifts, legacies, and other pious donations, to any other use than that specifick use whereunto they are destinate by the Disponent himselfe. And that the Heires, Executors, or others entrusted with the said gifts and legacies shall be comptable for the same, to the use of the Kirkes, Colledges, and others: to whom the said dispositions were made: And that actions shall be competent eyther to the said Kirkes, Colledges, and others, to whom the same were disposed, or to the Bishops and Ordinaries within the Diocesses where the said Kirkes, Schooles,

and others above-specified lye, for compelling them to apply the same to the true use, And to make compt and payment of the ordinarie profits of everie years intromission, at the rate allowed by the Lawes of the Realme, by and attour the fulfilling of the Disposers Will. And this Act to be extended to all Dispositions made at any time, since the majoritie of King JAMES the Sixth, or to be made hereafter in all time comming. And that letters of hording bee direct at their instance, by deliverance of the Lords of Session without citation of parties.

ACT VII.

ANENT INVADING OF MINISTERS.



OUR SOVERAIGNE LORD, With the advice of the Estates, ratifies and approves the Act of Parliament made in the yeare of God, one thousand five hundred fourescore and seven yeares, anent the Invaders of Ministers, with this explanation and addition, That whosoever invades any Minister, or puts any violent hands on him, by themselves, their men, tenants, servants, or any others by their hounding out, direction, or allowance, for whatsoever cause or occasion; whether the same be for the cause contained in the said Act, or for any other cause, otherwise than by order of Law; or doth offer violence to them, Shall incurre the like paine as is contained in the said Act, and shall be judged after the forme and manner therein prescribed. And declares, that the same shall bee extended to all Archbishops, Bishops, and Ministers whatsoever, having power by lawfull warrant to preach, and administer the sacraments. And because the malice of some is such, that the invasion and violence foresaid may bee committed by lawlesse and unresponsall men, the hounders out of whom cannot be gotten detected; so as the benefite of this Act, and the indemnitie of the said Church men and their foresaids may bee frustrate. **THEREFORE** it is statute and ordained, That the Landlords, and Heritors, and chiefe of Claimes, and others in whose bounds the said offenders dwell, or haunt ordinarily, shall be holden, upon the complaint of the partie offended to the Lords of his Majesties secret Councell, to exhibite and produce the said malefactors before the said Judges, to be censured and punished corporally, or otherwise in their estates, if they be responsall, at the discretion of the said Judges. And if it shall happen the said offenders to absent and remove themselves out of the bounds of the said Heritors and Landlords, and others on whom they depend, so that the said Landlords, Heritors, and others foresaid, may pretend that it is not in their power to exhibite the foresaid delinquents: Therefore it is statute, that if after the giving in of the said complaint before the said Judges, and certiorating of the said Landlords, and others

others foresaid, eyther by citation, charge, or intimation, or any other Legall manner of way, if the said delinquents shall be found within the bounds of the said Landlords, and others foresaid, haunting publickly and openly by the space of ten daies; That then and in that case the said Landlords, and others foresaid, shall be esteemed as connivers with the delinquents, and be obliged under the like censure and punishment, to exhibit them to the Councell.

ACT IX

THE ACT OF RATIFICATION OF THE ACT OF

Commission and the Ministers Provisions.



OUR SOVERAIGNE LORD, With the advice and consent of the Estates of Parliament, ratifies and approves the Act of Commission of Surrenders and Teynds of the date at *Holy-rude-house* the twentie sixth day of June, the yeare of God 1627 years, whereof the Tenor follows. The Commissioners after reasoning upon the lowest proportion and provision, wherewith the Ministrie serving the Cure at each Kirke, shall be provided, Have found it meet and expedient, that the lowest proportion shall be eight Chalder of Victuall, where victuall is payed, or proportionally in silver or victuall as the Commissioners shall appoint, at the settling of the Kirke, and according to the Estate of that part of the Countrey, where the payment of the stipend shall occurre. And thinke it meet, that the said proportion of eight Chalder of victuall, or proportionally in silver, as said is, shall be the lowest maintenance to each Kirke, except such particular Kirkes occurre, wherein there shall bee a just, reasonable, and expedient cause to goe beneath the quantitie now determined.

AND His Majestie, and Estates foresaid, referre to the Commissioners to be chosen by his Majestie, at this present Parliament, The consideration of the reasons and causes, which may move them (after the valuation of the true worth of the Teynds of ilke Parish be closed) To determine and modifie a lesse quantitie for the Ministers maintenance, nor the quantitie foresaid of eight chalder of victuall, or eight hundred markes in victuall or moneys proportionally, And what the said Commissioners shall determine therein the same to stand notwithstanding of this present Ratification. And also his Majestie and Estates ratifie and approve the whole particular Acts of the said Commission of Surrenders and Teynds, whereby stipends are appointed and modified by the said Commissioners already, And ordaine the Ministers to whom the same is assigned, to have intromission therewith: And that the Lords of Session direct Letters of horning and poynding, in favour of the said Ministers conforme thereto, upon one simple charge of ten daies allenerly. And also upon all other Acts to be made for plantation of Kirks
by

by the commissioners appointed by his Majestie & Estates for that effect. And it is declared, that these presents shall be without prejudice to the titulars and others, having interest to pursue for rectifying of such valuations, as are or shall be enormously undervalued, and also without prejudice of the ministers maintenance and augmentation proportionally effecting to the true and just worth of the Teind, &c.

ACT IX. THE KINGS GENERALL

REVOCATION.

BEFORE ORSOMUCH, As our Sovereigne Lord, the Kings Majestie, shortly after the deace of his Majesties umwhile dearest Father, King JAMES the first, of ever blessed memorie, for preserving of the libertie and priviledge due to his Majestie by the common law, and by the acts and statutes of the Kingdome; And following the laudable custome used before by his Majesties Predecessours, in making of their Revocations: Did upon the twelfth of October, 1625. make and give forth his generall revocation under his privie Seale, as the same, in the selfe, at more length beares. AND HIS MAJESTIE being now present in his Royall person, within this Kingdome, and having by Gods grace, favour, and blessing, and with the generall acclamation, joy, and comfort of his Subjects, accepted the Crowne thereof, wherein he is gloriously inaugurate, and now holding the first Parliament of his whole Estates of the said kingdome, with whom his Majestie hath advised and resolved anent the said Revocation: Therefore his Majestie, with consent of the three Estates, and whole body of this present Parliament, Hath statute, enacted, and ordained, and by these presents, statutes, enacts, and ordaines in manner following.

IN the first, His Majestie and whole Estates of Parliament revokes, casses, and annuls all Infeftments, Charters, Precepts, Confirmations, Alienations, Gifts, Donations, Rights, Securities, and other Dispositions whatsoever, of any rents, lands, Lordships, Baronies, Heritages, Teinds, Patronages of kirks, offices, priviledges, and others whatsoever annexed to the Principality, or to the Prince, who is second person of the Realme, made, convoyed, signed, or consented unto by his M^{ties} selfe in his minoritie and lesse age, or by his M^{ties} umwhile dearest Father, for himselfe, as Prince of *Scotland*; or as Father and lawfull administrator to his Majestie, or to umwhile Prince *Henrie* his Majesties Brother, of worthie memorie, or by the said umwhile Prince *Henrie* himselfe, or made and granted by his Majesties said umwhile dearest Father; or any other his M^{ties} Predecessors, kings of *Scotland* in their times, to whatsoever person or persons, in hurt and prejudice of the Prince, second person foresaid: or made and granted by his Majestie at any time, preceding the date hereof, unlawfully

unlawfully, and against the lawes of the kingdome, the same being tried and found to be so.

ITEM, His Majestie with consent of the said Estates, revokes, casses, annuls, retreats, & rescinds all & sundrie Infeimments, grants, dispositions, confirmations, and other rights whatsoever, made by his Majestie induring his mindrie and lesse age, to whatsoever person, or persons, in fee, frank-tenement or otherwise, of the lands, kirkes, teinds, patronages, offices, and others pertaining to the Lordship of *Dumfermeling*, to the which his Majestie succeeded as onely Sonne and Heire, to his Majesties umwhile dearest Mother Queene *Anna*, who was heritably infeist in the said Lordship of *Dumfermeling*. And sicklike, revokes all gifts, alienations, dispositions, and other rights whatsoever, made by his Majestie, or his said dearest Mother, unlawfully, and against the lawes of the kingdome, of the said Lordship, or of any lands, teinds, offices, kirks, patronages, and others pertaining to the said Lordship, at any time preceding the date hereof: the same being so found and verified before the ordinary Judge.

ITEM, His Majestie & Estates foresaid, revokes, casses, annuls, retreats, and rescinds all & sundrie infeimments, charters, gifts, donations, confirmations, alienations, pensions, and other dispositions whatsoever, made, convoyed, signed, or consented unto by his Majestie, or by his Majesties umwhile dearest Father, or by any other his Majesties Predecessours in their severall times, to whatsoever person or persons in any manner of way, in fee, few-ferme, frank-tenement or otherwise whatsoever, of any lands, rents, Lordships, Baronies, Patronages of kirks, customes, annualls, fishings, liberties of fishings, burrow-mails, other rents, castle-wards, or other whatsoever annex to the crowne, offices of justiciary, stewartrie, and bailliarie, within the same appertaining thereunto, contrarie to the Acts of annexation made thereupon of before. And where lawfull dissolution of the said annexation was not made by his Majestie, his said umwhile dearest Father, and his said Predecessors, kings of *Scotland*, in their majoritie, with consent of the three Estates of Parliament, in their severall times, for setting of the same in few-ferme, with augmentation of the rentall: To the effect the same may be of none availe in time comming, after the date hereof, by way of action, exception, or reply.

ITEM, His Majestie, with consent foresaid, revokes, annuls, retreats, and rescinds all infeimments, donations, alienations, and other dispositions whatsoever made by his Majestie, or his said umwhile dearest Father, either in their minoritie to their hurt and lesion, or in their majoritie against the Lawes and Acts of Parliament, to whatsoever person, or persons, of whatsoever lands, rents, annualls, and revenews not annex to the crown, whereof his Majesties umwhile dearest Grandmother Queen *Mary*, was in possession before the coronation of his Majesties umwhile dearest Father, of happy memorie. And of all offices, such as Chamberlaneries, bailliaries, office of customarie made for moe yeates, but from the Exchequer, till the compt be made in the Exchequer following, constableries, bailliaries, takes and rentals of his Majesties proper lands and rents, above the space of five yeares, made & granted contrary & against the Lawes and Acts of Parliament of the Kingdome, the same being so found and tried.

ITEM

ITEM, His Majestie with consent of the Estates, revokes, casses, annuls, retreats, and rescinds, all and whatsoever Infeiments, rentals, and other rights whatsoever of any part of the annexed property, or of the few-fermes of whatsoever proper lands annexed to his Majesties Crowne, made to whatsoever person by his Majestie, or his umwhile dearest Father, or any other his Majesties Predecessors which are made in diminution of the rental, and hurt of the Patrimonie of the Crowne, where the diminution may be proved and verified.

ITEM, His Majestie revokes, casses, annuls, retreats, and rescinds all and whatsoever Infeiments, alienations, and dispositions, made by his Majestie, or by his umwhile dearest Father, or any other his Majesties noble Progenitors of the few-ferme victuall of any lands pertaining to the Crowne, which were lawfully set in few of before, for payment of the few-ferme victuall: and the same few-ferme victuall is set thereafter in few, or otherwise for silver payment, because such a set or few-ferme being so found and tryed, is clearly understood to be to the great abuse, hurt and diminution of his Majesties Patrimony and rent.

ITEM, His Majestie revokes, casses, annuls, retreats, and rescinds all Infeiments, alienations, & dispositions, with all takes, & assedations, and any other sort of conveyances whatsoever made by his Majestie, or his Majesties dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, against the lawes of the kingdome, to whatsoever persons, of his Majesties Castles, and Houses, or Places, and Roomes, whereupon the said Castles and houses were situat, although now demolished by injurie done to his Majestie and the said Crowne. And sicklike, all infeiments, alienations, and dispositions, and all other sort of conveyances whatsoever, of any of his Majesties medowes, woods, and parks, with all takes, assedations, and other dispositions thereof, made by his Majestie, or his predecessors foresaid, against the lawes of the kingdome, The same being so found and tryed.

ITEM, His Majestie revokes, retreats, and rescinds all and sundrie Infeiments, alienations, gifts, dispositions, or any other conveyances whatsoever, made by his Majesties said umwhile dearest Father, or any other his Majesties predecessors, kings of *Scotland*, induring their minority and lesse age, and not thereafter confirmed in their majoritie, to whatsoever person or persons in few-ferme or life-rent, of all lands, and annual-rents which be come in their hands, as propertie by right of the crowne, through bastardie, or being last heire by recognition, or for faulture, or otherwise with all confirmations, if any be granted in Parliament thereupon: providing that presentation to tennandries fallen by occasion foresaid, shall in no wayes come under this present Revocation, because the same being casualities, could not remaine in his Majestie, or his said predecessors hands, in prejudice of the Superior of the said tennandries, but of necessitie it behoved them to present heritable Tenants to the said Superiours.

ITEM, His Majestie, with consent foresaid, revokes, casses, annuls, all new Infeiments, confirmations, and other conveyances whatsoever given by his Majesties said umwhile dearest Father, or any other his Majesties Predecessors, kings of *Scotland*, to whatsoever person or persons,

of any lands, baronies, Lordships, or other heritages whatsoever: To be holden in blensh ferme, which were holden of his Majestie or his Predecessors of before, by service of ward and relief. And that in so farre as the same is, or may be found and verified, to have been granted against the lawes and Acts of Parliament of the Kingdome, without prejudice alwayes to the heritable possessors, in case of reduction of their changed tenors to brooke and hold their said lands heritable, as they were holden before the alteration of the said holding.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Regalities and gifts of Regalities, and all confirmations, and ratifications of the said gifts and regalities, made, given, or granted, or consented to by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, against the Acts and statutes, that no Regalities should be given in heritage, without advice and deliberation of the whole Parliament, together with all charters, infeftments, confirmations, gifts *de novo damus*: and other rights whatsoever, made by his Majestie or his Predecessors above-named, of whatsoever heritable offices, against the lawes and Acts of Parliament of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all new creation of lands, baronies, and annexations, and unions of divers lands in free, which are made by his Majesty, or his said umwhile dearest Father, or any other of his Majesties predecessors, Kings of *Scotland*, in prejudice of their due service owing of before: Together with all discharges given of the said service, and sutes of court due of old, and that in so farre as the same is, or may be found to be unlawfully made, or against the lawes of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats & rescinds, all new Infeftments made and given by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, of Creation of Baronies, and Lordships annex to the Crowne foresaid, in favour of whatsoever person, in so farre as the same is, or may be verified, to have been made and granted unlawfully, and against the Lawes of the Kingdome.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Infeftments, gifts, and dispositions whatsoever, set, given, and granted by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of *Scotland*, to whatsoever person or persons in fee, fee-ferme, or life-rent, of whatsoever Hospitals, Malondieus, lands, or rents appertaining thereto: in hurt or prejudice of consciences, and against the lawes and acts of Parliament of the kingdome, to the end, that the said Hospitalles may be reduced to the first institution, for upholding of the poor, so farre as may be done by the lawes of the Kingdome. Providing alwayes, that the rents of the Trinitie Colledge beside the Burgh of *Edinburgh* and other rents assigned to the Hospital and colledge erected by the Provest, Bayliffes, and Councell of the Burgh of *Edinburgh*, be no wayes comprehended under this present Revocation.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats,

retreats, and rescinds all and whatsoever gifts, pensions, gifts of fees, wages, liveries, and dispositions out of his Majesties casualties, and coffers, given by his Majestie, or by any of his Majesties noble Progenitors (except such as shall be of new granted by his Majestie again) together with all Presentations to offices and places, which by the laws of the Realme fall under his Majesties Revocation, excepting alwayes the presentations, fees, and pensions given to the ordinary officers of the Crown after specified, their Deputes, and Clerks, and to the other persons after mentioned, which are declared no wayes to fall within this present Revocation: They are to say, The fees and pensions given and assigned to the Thesaurer, Comptroller, and Collector principall: and to his Majesties depute Thesaurer, and to their Deputes and Clerks: to the Secretary principall, and his Deputes: To the Clerk of Registry, to his Majesties Advocate, and the Justice, Justice Clerke, and their Deputes, and to the Master of Requests, and to the proctor for the poore, director of the Chancellerie, and dictator of the Rolls. And also declares the pensions and others underwritten, no wayes to fall under his Majesties Revocation, viz. The pension of the Duke of Lennox, his umwhile Father or Uncle: The pension to the Earle of Morton, with the tak and assedation of Orkney and Zetland: The pension to sir Robert Ker of Ancrum: the pension to M. John Sandelands: the pension to Sir James Lockhart: the pension to sir James Levingston: the pension to sir William Balfour: the pension to Halbart Maxwell: the pension to sir James Garmichaell: the pension to sir James Ramsay: and the pension to sir John Murray of Revilrige, which his Majestie and Estates declare shall stand in effect, notwithstanding of this present Revocation.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls, retreats, rescinds all gifts, pensions, and free discharges of the thirds of benefices, granted by his Majestie, or his said umwhile dearest Father, or any other his Majesties Predecessors, Kings of Scotland, to whatsomever person or persons, against the lawes and Acts of Parliament of the Kingdome, with all taks of thirds of benefices whereby the rentalld dutie is diminished: or where the whole benefice is set and disposed in diminution of the third thereof, in so farre as the same is contrarie to the lawes of the Kingdome, as said is.

ITEM, His Majestie with consent foresaid, revokes, casses, annuls retreats, and rescinds all and whatsoever Infeittments made by his Majestie or his said umwhile dearest Father, or any other his Majesties predecessors, of any Church-lands, Fryer-lands, Monk-lands, or common-lands, which any wayes fell, and became in their hands as propertie, and that in so far, as the same is, or may be verified to be made contrarie, and against the lawes and Acts of Parliament of the Kingdom, reserving alwayes the infeittment made for erection & sustentation of Hospitals, and Ministers within Burrows, where there is no assignation nor stipend allowed forth of the thirds of benefices, for sustentation of the ministers thereof: And declares that all such infeittments of Church-lands as is before exprimed, falls under this revocation, if the person or persons, & their successors, to whom the same have been disposed, have not answered & performed the cause and ends expressed in the said Infeittments, and for the which the said Infeittment

Infeſtments was granted by his Maieſtie and his Predeceſſors, as ſaid is.

IT E M, His Maieſtie, with conſent foreſaid, revokes, caſſes, annuls, retreats and reſcinds all takes, aſſedations whatſoever of any common Churches within the Realme of Scotland, made by his Maieſtie, or his ſaid umwhile darreſt Father, or any other his Maieſties predeceſſors, Kings of Scotland, in ſo far as the ſame is or may be found and verified to be made againſt the Lawes and Acts of Parliament of the Kingdome; Providing alwaies, that there ſhall be ſufficient Miniſters appointed to ſerve the ſaid Churches, who ſhall make reſidence, and ſhall be ſufficiently ſuſtained of the readieſt fruits of the ſaid common Kirkes, according to the generall order taken thereanent.

IT E M, His Maieſtie, with conſent foreſaid, revokes, caſſes, annuls, retreats and reſcinds all gifts of Monkes portions, firſt fruits, or fiſt penny of any benefices, whereunto his Maieſtie hath right by the Acts of Parliament made before to that end, And that in ſo farre as the ſaid gifts are or may be found to be granted againſt the Lawes of the Kingdome.

IT E M, His Maieſtie, with conſent foreſaid, revokes, caſſes, annuls, retreats and reſcinds all gifts and infeſtments, made, done, and conſented unto, to whatſoever perſon or perſons by his Maieſtie, or his Maieſties ſaid umwhile darreſt Father, or any other his Maieſties predeceſſors, Kings of Scotland, of whatſoever advocation, donation, and right of patronage given or annexed to any Lordſhips, Lands, or Baronie where the ſaid Patronage, advocation and donation of benefice pertained not before of right, but which taketh the beginning and ground from any gift and infeſtment thereof made with this claule (*de novo damus*) where the purchaſer of the ſaid infeſtment had no right to the ſaid Patronage, advocation and donation of before. And that in ſo farre as the ſame is or may be found to be granted againſt the Lawes and Acts of Parliament of the Kingdome.

IT E M, His Maieſtie, with conſent foreſaid, revokes, caſſes, annuls, retreats and reſcinds all gifts, diſpoſitions of ſuperplus omitted of the fruits of benefice, given by his Maieſtie, his ſaid umwhile darreſt Father, or any other his Maieſties Predeceſſors, Kings and Queens of Scotland in ſo far as the ſame is or may be found and verified to be granted againſt the Lawes and Acts of Parliament of the Kingdome.

IT E M, His Maieſtie, with conſent of the Eſtates, revokes, caſſes, annuls, retreats and reſcinds all grants and infeſtments of erections, of whatſoever abbacie or other prelacie, in whole or in part, temporalitie or ſpiritualitie thereof, made and granted, or conſented unto by his Maieſtie at any time preceding the date hereof, To and in favour of whatſoever perſon or perſons, and declares the ſame null and of none avail, by way of action, exception, or reply, And als his Maieſtie and Eſtates, revoke all infeſtments of Erections made and granted by his Maieſties ſaid umwhile darreſt Father, or any his Maieſties Predeceſſors, Kings or Queens of Scotland, of whatſoever Abbacie, Priorie, Nunnerie, Preceptorie, or any other Erected benefice whatſoever, of whatſoever nature, qualitie, or condition, whereof the preſentation ſhould pertaine to his Maieſtie, if the ſame were not erected in a temporall Baronie, Lordſhip, or Living, or of any part or pendicle thereof, either ſpiritualitie or tem-

poralitie of the same, to and in favour of whatsoever person or persons, And that in so far as the same is, or may be verified to be granted, against the generall Lawes and Acts of Parliament of the Kingdome. And to that effect revokes, casses, annuls, retreates and rescinds all acts, statutes, and dissolutions of any of the said erected benefices, lands or teyndes of the same, whereupon the said infeftments of erections are, or have been founded: And that in so far as the same is, or may be found and verified, to be contrary to the generall Lawes, Acts of Parliament, and Statutes of the Kingdome, as said is.

AND generally his Majestie, with consent foresaid, revokes, casses, annuls, retreates and rescinds all acts, constitutions, dispositions, graunts, conveyances, ratifications, and all other things whatsoever done or consented unto by his Majestie at any time proceeding the date hereof; or by his umwhile dearest Father, or any other his Majesties Predecessors, Kings and Queenes of Scotland, in detriment of their soule and conscience: in hurt and detriment of the Crowne and Church, and contrarie to the Lawes and Acts of Parliament of the Kingdome. And wills and declares, that these presents shall be als amply extended, and to bee of als great effect in generall and speciall, as any revocation made by any of his Majesties royall Predecessors before the date hereof, contained in the bookes of Parliament, Which in all heads, clauses, and circumstances thereof are holden as here repeated.

AND also his Majestie, with consent of the Estates, ordaines and decernes, that albeit it shall happen his Majestie for any respect or consideration, to suffer any person or persons, to use or possesse any privileges or possessions, lands, rents, offices, which are fallen under the compasse hereof, That it shall make no right to the users and holders thereof, but it shall be lawfull to his Majestie and his successors to intermit therewith, when ever it shall please them by vertue of these present acts and consuetudes of the realme made before, without any obstacle, impediment or contradiction.

ACT X.

ANENT ANNEXATION OF HIS MAJESTIES Propertie.



OUR SOVERAIGNE LORD, With advice and consent of the Estates of this present Parliament, ratifies and approves the whole acts of annexation of whatsoever lands, Lordships, and Baronies annex to the Crowne by his Majesties umwhile Father, or any other his Majesties Predecessors. And farther, his Majestie and Estates foresaid, and without derogation of the former annexations, of new annexes the same to the crowne; to remaine therein for ever according to the conditions and provisions contained in the former acts of annexation of Lands to the crowne; and specially of the

the act of annexation made in the dayes of King *James* the second, in the moneth of August, 1455.

ATTOUR, His Majestie with consent foresaid, declares the right and title of Superioritie Of all & sundrie lands, baronies, milnes, woods, fishings, towers, fortalices, manour places, and whole pertinents thereof, pertaining to whatsoever Abbacies, priories, priories, preceptories, and whatsoever other benefices of whatsoever estate, degree, title, name, or designation the same be of, erected in temporall Lordships, baronies, or livings, before or after the generall act of annexation of kirke-lands, made in the moneth of July, 1587 yeares: together with the whole few-maills, few-fermes & other rents and duties of the said superiorities, To be annexed, and to remaine with the Crowne for ever: Reserving to such Lords and titulars of erections, and each one of them, who have subscribed the generall surrender, the few-maills, and few-fermes of their said superiorities, aye and while they receive payment and satisfaction of the summe of a thousand markes, usuall money of *Scotland*, for each chaldier of few-ferme victuall over-head, and for each hundreth merkes of few-maills, and for each hundreth markes worth of all other constant rent of the said superiorities, not consisting in victuall or money, and not being naked service of Vassals, according to the tenor of his Majesties generall determination, & according to the conditions therein exprest: And reserving to them and to all other titulars of erection, their propertie and proper lands to be holden of his Majestie and his successors, in few-ferme for payment of the few-ferme duties, and other duties contained in the old infeftments made to them, their predecessors, and authors before the said Act of annexation. Like as his Majestie and Estates foresaid, findes and declares that all titulars of erection without exception, shall hold their propertie and proper lands of his Majestie and his successors, in few-ferme, for payment of the few-ferme duties contained in the infeftments granted to them and their foresaids, before the said Act of annexation, and no otherwise. And his Majestie and Estates declares all rights and deeds whatsoever, made and granted to whatsoever person or persons preceding the date hereof, which may prejudice his Majestie and his Successors, in the peaceable brooking, enjoying, and possessing of the said superiorities and few-ferme duties above-specified (excepting, and reserving as said is) To be null and of none avails, force nor effect by way of action, exception, or reply.

And likewise, his Majestie and Estates ratifies and approves the Acts of Parliament made by his Majesties said umwhile dearest Father, of eternall memorie: The fifteenth Parliament, Cap. 233. intitulate anent the annexation of the Kings annext propertie. Together with the 234. Act of the said Parliament, intitulate the annext propertie may not be disposed, but in few-ferme allenerly. And also the 236. Act of the same parliament, intitulate disposition of the annext propertie, made before the dissolution, or not conforme to the conditions thereof is null. And likewise, the 243. Act of the said fifteenth Parliament, intitulate anent ratifications or dispositions made in Parliament: And ordaines the same to have full force and effect in all time coming. And declares all deeds done

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in contrary thereof, to be null and of none availe by way of action, exception, or reply. It is alwayes declared that under this present Act, nor no clause thereof, shall no wayes be comprehended the temporall lands, superiorities, and others pertaining to whatsoever Archbishops, Bishops, and their Chaptors: but that the same shall remaine with them and their successors unhurt or prejudged by this present Act.

ACT XI. OF DISSOLUTION.

FOR SO MUCH, As albeit the lands, Lordships, Baronies, and others of old, are lately annext to the Crowne, were and are, for great and weighty considerations, tending to the weale of the Crowne and whole Realme, Ordained to remaine with our Sovereigne Lord, and his Successors for ever. And not to be disposed nor annallied in fee nor life-rent, to whatsoever person or persons, without advice of the three Estates of parliament, and for profitable and seene causes, tending to the weale of the whole Realme: Yet neverthelesse, it hath bene ever thought expedient in the dayes of our Sovereigne Lords most glorious Predecessors: And no wayes derogatorie to the conditions of the said annexations but agreeable thereto, as tending to the publique weale of the Crowne and kingdome; that the annext and proper lands should be set in few-ferme for increase of policie and augmentation of the rentall: And his Majestie being well pleased to observe and follow the order kept by his Majesties predecessors foresaid, anent his Majesties annexed propertie.

THEREFORE His Majestie with consent of his three Estates of Parliament, statutes and ordaines, that it shall be lawfull to his Majestie enduring his time, to set all & sundrie lands Baronies, Lordships, milnes, fishings, and other his Majesties proper lands both of the old and new annexed propertie, and of the temporalitie of kirke-lands in few-ferme, so that it be not in diminution of his Majesties rentall, gressumes, and other duties: but in augmentation thereof, providing alwayes that this present dissolution shall no wayes be extended to the setting in few-ferme of any of our Sovereigne Lords Castles, Palaces, Yards, Woods, Parks, Forrests, pastures for sheepe and nolt, and in speciall the Lomonds of *Falkland*, Coalheuches, and offices: But the same to remaine inseparable annext to the Crowne, notwithstanding of this present dissolution. And declares that this present dissolution shall endure for the life-time of our Sovereigne Lord, the Kings Majestie, who now is allanerly. So that the lands and other foresaid, which he sets in few-ferme in his time, with the condition foresaid, shall stand perpetuallie, to and in favours of the receivers thereof, their heires and successors, and after his decease, the annexations made at this present Parliament, and of before shall returne to the owne nature.

ACT XII.

ACT XII.

RATIFICATION OF THE ACTS Of Interruption.



OUR SOVERAIGN LORD, and Estates of Parliament, ratifies and approves the Act of the Lords of Councill and Session, of the date at *Edinburgh*, the penult of March, 1630 yeeres: anent the interruption of the Act of prescription, in favour of his Majestie and his successors, together with the act of secret Councill, of the date at *Holy-rudehouse*, the twenty sixt day of May, 1630 yeeres. Whereby the saids Lords of secret Councill have allowed and approved the said Act: And ordaines the said Acts to be insert in this present ratification. And his Majestie and Estates declares the said acts to have the full force, effect and execution of a law, statute and act of Parliament, in favour of his Majestie and his successors in all time coming.

Followeth the tenor of the Act of Councill and Session.

AT *EDINBURGH*, The penult day of March, the yeare of God, 1630 yeeres. The which day in presence of the Lords of Councill and Session compeered personally, sir *Thomas Hope* of *Craige-hall*, Knight Baronet, his Majesties Advocate, and presented a letter directed from his sacred Majestie, whereof the tenor followeth.

REX: Right trustie, and right welbeloved Cousin & Councillor, and trustie & welbeloved, We greet you well. Whereas by Act of Parliament made in the moneth June. 1617 yeeres, all heritable rights cled with fourtie yeeres possession, are declared to be irreducible in all time coming, except the same be quarrelled within the space of fortie yeeres: And by the same Act their is libertie granted to all persons, who might be prejudged by the said prescription of fourtie yeeres already run and expired, before the date of the said Act. To intend their actions within the space of thirteen yeeres after theate of the said act: And whereas we, shortly after the decease of our dearest Father, of eternall memorie, made our generall revocation in the moneth of October, 1625 yeeres. Which revocation we by two speciall letters of declaration, one of the date at *White-hall* the twentie sixt day of Januarie, 1626 yeeres: And registre in the bookes of secret Councill the ninth of February, 1626 yeeres, And another of the date at *Wainstead*, the eleventh of July, 1626 yeeres: And registre in the bookes of secret Councill upon the twentie one of July, 1626 yeeres, Have restricted to the annulling of rights of the propertie of the Crowne, as well annexed as unannexed, whereof accompt hath been made in Exchequer, and of the principalitie unlawfully disposed by our Predecessors: against the lawes and Acts then standing, and to the annulling of erections and other dispositions of whatsoever lands, tunds,

teinds, partronages, and benefices formerly belonging to the Kirk, and since annex to the Crowne. And of any other lands and benefices mortified and devoted to pious uses: And of Regalities and heritable offices, and of the change from the ancient holdings of ward and reliefe to blensh or taxt ward, since the yeer of God 1540 yeeres. And because We were unwilling to enter in processe with our Subjects anent the premisses, but rather desired to take a faire courle with all such as would voluntarily treat with Us or our Commisfioners there-anent.

T H E R E F O R E We were pleased by our Commisfion of the date at *White-hall* the seventeenth day of January, 1627 yeeres, to appoint certaine of our Nobilitie, Clergie, Gentry, Barons, and Burrowes, to be commisfioners, to treat and deal betwixt Us and our Subjects, anent the premisses. And albeit the said Commisfion hath made a good progresse in the said matter of erection and teinds: and that a great number of our subjects, having interest therein, have subscribed to us generall submissions, whereupon We have given forth our severall determinations for the good of our Subjects, and establishing of the perpetuall quietnesse, and peace of that our ancient Kingdome; Yet it is certaine that many of these who have interest in erections and teinds, lyè forth, and have not subscribed the said generall submissions. Like as also the remanant points of our said Commisfion anent the patronage of Kirks, rights, and infeftments of our Propertie, and Principalitie, Regalities, Heritable offices, and Changed tenours of holding in blensh or taxt Wards, are not as yet begun to be handled and treated, and cannot be possibly finished and closed, before the expiring of the time and yeers of interruption, allowed by the said Act. And because We will not suffer our selfe or our Successors to be prejudged by delay of the execution of the said commisfion of the lawfull actions competent to us and them, for reducing of such rights of the premisses, to the which We have undoubted interest. And seeing a multitude cannot be commodiously summoned and warned personally, or at their dwelling places in so short time as is to run of the said time of prescription; Therefore and for preservation of our rights and actions competent to us and our Successors anent the premisses, Necessary it is, that some solemne Act be done by us, to testifie our will and resolution, to prosecute our said actions in the owne time, if the same be not taken away and removed by the said commisfion, which we thinke cannot be more properly and conveniently done, nor by inserting of this our declaration in your Bookes of Session, and directing of Letters of publication thereupon, certifying all our Lieges who have interest in the premisses, by open proclamation at the marker crosse of our Burgh of *Edinburgh*, & other places needfull, of this our pleasure, will and declaration. And that the same be declared by you, to have the strength, force, vertue, and power of a legall and perfect interruption; And therefore, We require you immediately after the sight hereof, to cause insert these presents in your Bookes of Session: and to declare the same to have the force of a legall and lawfull interruption, and to direct Letters of publication thereupon, in forme as effectes. Which, not doubting you will doe, We bid you, farewell. From our Court at *White-hall*, the twenty ninth day of November, 1629 years,
With

with the which letter, tenor, contents, & desire thereof, after that the same with the act of parliament, wherein it is relative, was read in their whole presence. The said Lords being well & ripely advised, & having considered the justice and equitie of his Majesties will & pleasure therein contained: they have ordained & ordaine the said letter & declaration therein contained, to be insert, and registrate in their bookes of *Sederunt*: and ordaine Letters of publication to be direct and passe thereupon, certifying all his Majesties Lieges who have interest, by open proclamation at the market crosse of *Edinburgh*, and other market croses of the Kingdome, where the lands, Baronies, and others underwritten lye: or wherethe persons and subjects dwell and remaine, against whom the said declaration is to have the effect of a legall interruption, in manner following. And by open proclamation at the said market crosse of *Edinburgh*, Pier and shore of *Leith*, for all such of his Majesties Lieges, who are forth of this Realme, Of his Majesties pleasure, will, and declaration, and of the said Lords their decreete, and authoritie interponed thereto. Like as the said Lords declare, That the said declaration registrate as said is, and to be published in manner foresaid, shall have the strength, force, and power of a legall and perfect interruption, against all persons having interest: and that in so farre alennerly as may be extended to the particulars followings: To wite, To his Majesties annexed propertie, and his Majesties propertie unannexed, whereof the fermes duties or few-fermes have bene compted in his Majesties Exchequer, since the moneth of August 1455 yeares, & unlawfully disposed by his Majesties predecessors, against the acts of Parliament and lawes of the Kingdome: and to the principalitie unlawfully disposed by his Majesties predecessors, against the acts of Parliament and lawes of this Kingdome: and to the reduction of whatsoever erections of whatsoever benefices, spirituality or temporality thereof, against the lawes & acts of Parliament: & to the reduction of whatsoever patronages of kirkes pertaining to his Majestie and his predecessors, & unlawfully disposed by them against the acts of Parliament: and against unlawfull dispositions of whatsoever lands, teinds or rents doted to Hospitalities, or mason-dieus, and unlawfullie disposed against the acts of Parliament: and against Regalities and heritable offices unlawfullie disposed, contrarie the acts of Parliament: and against all changed tenors of holding from ward to blensh or taxt ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any king or prince being major: with this declaration, like as the said Lords declare that the same shall not prejudice any person whatsoever of their lawfull defence competent to them, against any action to be intended hereafter, at his Majesties instance and his successors; except in so far as concerne the said act of prescription, whereupon the said Lords declare, that no exception shall be founded in prejudice of his Majestie and his successors, concerning the premisses. *Followeth the tenor of the Act of Secret Councell.*

Apud Holy-rude-house vicesimo sexto die mensis Maii anno Domini millesimo sexcentesimo tricesimo. THE which day, in presence of the Lords of Secret Councell, compeared personally Sir Thomas Hope, of *Craige-hall*, Knight Baronet, his Majesties Advocate, and gave in

the act of Session underwritten, made in favour of his Majestie, anent the Interruption of the act of prescription, and desired the same to be insert and registrate in the bookes of privie Councell, and the Lords authoritie to be interponed thereto: which act of Session being read, heard, and considered by the said Lords, and they being there-with, and with the desire of the said Advocate well advised: the Lords of Secret Councell thinke the course and order taken by the said Lords of Session for interrupting of the said act of prescription, to be just and reasonable: And therefore, they ordaine the said act of Session to be insert and registrate in the bookes of privie Councell, whereof the tenor followeth.

At *Edinburgh* the penult day of March, the yeare of God, 1630 years: The which day in presence of the Lords of Councell compeared personally Sir *Thomas Hope* of *Craig-hall*, Knight Baronet, his Majesties Advocate, and presented a Letter direct from his sacred Majestie, whereof the tenor followeth.

CHARLES REX: Right trustie, and right well-beloved Cousin, and Counceller; and right trustie and well-beloved: We greet you well. Whereas by act of Parliament made in the moneth of June, 1617 yeares, All heritable rights cled with fourtie yeares possession, are declared to be irreduceable in all time coming, except the same be quarrelled within the space of fourtie yeares: and by the same act there is libertie granted to all persons, who might be prejudged by the said prescription of fourtie yeares already run and expired before the date of the said act; To intend their actions within the space of thirteene yeares after the date of the said act: And whereas We, shortly after the deccase of our dearest Father of eternall memorie, made our generall revocation in the moneth of October, 1625. Which revocation we by two speciall Letters of declaration, one of the date at *White-hall* the twenty sixth day of January, 1626 yeares, And registrate in the bookes of our secret Councell the ninth day of February, 1626 yeares; And another of the date at *Wainfleet* the eleventh day of July, 1626 yeares, and registrate in the bookes of our secret Councell upon the twentie one day of July, 1626 yeares; Have restricted to the annulling of rights of the propertie of our Crowne, as well annexed as unannexed, whereof accompt hath beene made in our Exchequer; and of the Principality unlawfully dispooned by our predecessors against the lawes and acts then standing; and to the annulling of erections & other dispositions of whatsoever lands, teinds, patronages, and benefices formerly belonging to the kirke, and since annexed to the crowne; And of any other lands and patronages, which any wayes should justly belong to the kirke or crown; and of whatsoever lands and benefices mortified and devoted to pious uses; and of Regalities & heritable offices; and of the change of holdings from the ancient holding of ward and reliefe to blensh and taxt ward, since the yeare of God, 1540 yeares. And because we were unwilling to enter in proccesse with our Subjects anent the premisses, but rather desired to take a faire course with all such as would voluntarily treat with Us or our commissioners there-anent:

THEREFORE We were pleased by our commission of the date at *White-hall* the seventeenth day of Januarie, 1627 yeares; To appoint certaine

certain of our Nobilitie, Clergie, Gentrie, Barons, and Burrowes, to be commissioners to treat and deal betwixt Us and our Subjects, in the premisses: And albeit the said commission hath made a good progresse in the said matter of erections and teinds, and that a great number of our subjects having interest therein, have subscribed unto us generall submissions, whereupon We have given forth our severall determinations for the good of our subjects, and establishing the perpetuall quietnesse and peace of that our ancient Kingdome; Yet it is certaine, that many of these who have interest in erections and teinds, lye forth, and have not subscribed the said generall submissions: Like as also the remanent points of our said commission anent the patronage of kirks, rights, infestments of our Propertie and Principalitie, Regalities, Heritable offices, and Changed tenour of holdings in blensh, or tairt Wards, are not as yet begun to be handled and treated, and cannot possibly be finished and closed, before the expiring of the time and yeares of the interruption allowed by the said act. And because we will not suffer our self nor our successors to be prejudged, by delay of the execution of the said commission, of the lawfull actions competent to Us & them for reducing such rights of the premisses, unto the which we have undoubted interest; And seeing a multitude cannot be commodiously summoned and warned personally, and at their dwelling places, in so short time as is to run of the said time of prescription: Therefore, and for preservation of our rights and actions competent to Us and our successors anent the premisses, necessarie it is, that some solemne Act be done by Us, to testifie our will and resolution, to prosecute our said actions in the owne time, if the same be not taken away and removed by the said commission, which we thinke cannot be more properly and conveniently done, nor by inserting of that our declaration in your bookes of Session, and directing of Letters of publication thereupon: certifying all our Lieges who have interest in the premisses, by open proclamation at the market crosse of *Edinburgh*, and other places needfull, of that our pleasure, and declaration: and that the same be declared by you, to have the strength, force, power, and vertue of a legall and perfect interruption. And therefore, We require you immediately after the sight hereof, to cause insert these presents in your bookes of Session, and to declare the same to have the force of a legall and lawfull interruption, and to direct Letters of publication thereupon, in forme as effect is. Which not doubting you will doe, We bid you farewell. From our court, at *White-hall*, the twentieth day of November, 1629 yeares. With the which Letter, tenor, contents, and desire thereof, after that the same with the act of Parliament whereunto it is relative, were read in their whole presence, The said Lords being well and ripely advised, and having considered the justice and equitie of his Majesties will and declaration contained therein, They have ordained, and ordaine the said letter and declaration therein contained, to be insert and registrate in their bookes of *Sederunt*; and ordaine letters of publication to be direct and passe thereupon, certifying all his Majesties Lieges, who have interest, by open proclamation at the market crosse of *Edinburgh*, and other market crosses of the Kingdome; where the lands, Baronies, and others lye; or where the persons & subjects dwell

and remains against whom the said declaration is to have effect of a legall interruption in manner following. And by open Proclamation at the said Market crosse of *Edinburgh*, Pier and Shore of *Leith*, for all such of his Majesties subjects as are forth of this Realme, Of his Majesties pleasure, will and declaration, and of the said Lords their decreete and authoritie interponed thereto. Like as the said Lords declare, That the said declaration registrate, as said is, and to bee published in manner foresaid, Shall have the strength, force and power of a legall and perfect interruption against all parties having interest, and that in so farre aliennerly as may be extended to the particulars following, *viz.* To his Majesties annexed propertie, and his Majesties propertie unannexed, whereof the fermities or few-fennings have bene compted in his Majesties Exchequer, since the month of August 1455. yeares, and unlawfully disposed by his Majesties Predecessors against the Acts of Parliament, and Lawes of the Kingdome: And to the principalitie unlawfully disposed against the Acts of Parliament and Lawes of this Kingdome: And to the reduction of whatsoever erections, of whatsoever benefices, spiritualitie and temporalitie thereof unlawfully disposed against the Laws and Acts of Parliament: And to the reduction of whatsoever patronages of Kirks, pertaining to his Majestie and his Predecessors, and unlawfully disposed by them against the Acts of Parliament: And against unlawfull dispositions of whatsoever teyndes, lands, and rents doted to hospitalls, and masondies, and unlawfully disposed against the acts of Parliament: And against regalities & heritable offices unlawfully disposed, contrary to the Acts of Parliament: And against all changed tenours of holdings from ward to blensh, or taxt ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being major. With this declaration like as the said Lords declare, that the same shall not prejudice any person whatsoever of their lawfull defenses competent to them, against any action to be intended hereafter at his Majesties instance, and his successors, except in so far as concernes the said act of prescription, whereupon the said Lords declare, that no exception shall be founded in prejudice of his Majestie and his Successors concerning the premisses.

ACT XIII.

ANENT REGALITIES OF ERECTIONS.



OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament, ratifies and approves that head and article of the act of Parliament made in the month of July, 1587 years, cap. 29. anent the annexation of the temporalitie of benefices to the crown, whereby the right & priviledge of regality, which pertained to whatsoever Abbacie, Priorie, Prioreffe, or other benefice whatsoever, is annexed to the crown: with this declaration, That the heirs of the vassals of the heritable tenants shall be entred by briefes forth of his Majesties

Majesties Chancellerie, to bee direct to the Provest and Bayliffs of the burrows of the said regalities. But prejudice alwaies to heritable Bayliffs and Stewarts of the said regalities, their heires and successors, Of their rights and infeftments granted to them of the said Baylieries and Stewartries of regalitie, which shall remaine with them in the same condition they were before the same act of annexation, except in the change of their superiour, viz. in the Kings Majestie, and his Successors, who in all times thereafter shall be their superiours, as in the said act of Parliament of the date foresaid, at more length is contained.

AND farther, His Majestie, with consent of the Estates of Parliament, casses, annuls, retreates and rescinds all rights and titles made and granted by his Majestie, or his Majesties unwhille Father, or by unwhille Queen *Marie* his grandmother, to whatsoever person or persons, of the right and priviledge of regalitie, pertaining to whatsoever Abbot, Pryor, Prioresse, Preceptor, or other beneficed person whatsoever, at any time preceding the date hereof: And declares the right and title of all and whatsoever regalities within the Kingdome, which pertained to whatsoever benefice particularly or generally above specified, at any time preceding the generall annexation of Kirke-lands, without respect to any exception mentioned in the said act of annexation, To pertaine to his Majestie and his Successors in all time comming. Reserving alwaies to all heritable Bayliffs and Stewarts of the said Regalities, their rights and infeftments of the said Baylieries & Stewartries, granted to them by the said beneficed persons, at any time preceding the date of the erections of the said Abbacies, Pories, and others fore-said in temporall Lordships. And it is declared, that these presents shall no waies be extended to the right of Regalitie of whatsoever lands, and superiorities, pertaining to the Archbishops and Bishops of this Kingdome, by virtue of their gifts and provisions, granted to them or their predecessors thereupon, which shall remaine with them unhurt or prejudged by this present act.

AND also it is declared, decerned and ordained, that the lands and Baronie of Broughtown, comprehending the townes, lands, burgh, baronie, milnes, and others mentioned in the infeftments granted by his Majestie under his Highnesse great Scale, To his Highnesse right trustie Cousin and Counseller, *Robert Earle of Roxburgh*, of the date, the day of one thousand six hundred thirtie years, shall not be comprehended herein, excluding the same all utterly therefrom, To remaine with the said Earle, his heires and Successors, after the forme and tenor of the infeftments made to him and his authors of the same.

ACT XIII.

ANENT SUPERIORITIES OF
Kirke-Lands.

OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament findes, declares, and ordaines, that his Majestie and his Successors, have and shall have good and undoubted right to the superioritie of all and sundrie lands, baronies, milnes, woods, fishings, towers, fortalices, manour places and whole pertinents thereof, pertaining to whatsoever abbacies, priories, prioresses, preceptories, and whatsoever other benefices, of whatsoever estate, degree, title, name, or designation the same bee of, Erected in temporall Lordships, baronies, or livings, before or after the generall annexation of Kirke-lands, made in the moneth of July, one thousand five hundred fourscore and seven years, And to the whole casualties of the said superiorities, not disposed before the date of the generall Commission, which is of the date at *Whitehall*, the seventeenth of Januarie, 1627 yeares; And also to the whole few-mails, few-fermes, and other rents and duties of the said superiorities, of all yeares after the date of the said Commission: Reserving to such Lords and Titulars of Erections who have subscribed the general surrender, the few-mails, and few-fermes of their said superiorities, ay and while they receive payment and satisfaction of the sum of one thousand markes usuall money of Scotland, for ilk chalder of few-ferme visuall overhead; And for ilk hundreth markes of few-mails, and for ilk hundreth markes worth of all other constant rent of the said superiorities (not consisting in visuall or money, and not being naked service of vassals) according to the tenour of his Majesties generall determination, and conform to the conditions therein contained, which are holden as repeated and exprest here. And sicklike with this declaration, that these presents shall be without prejudice to the said Lords, and titulars of erection, of whatsoever lands, baronies, woods, fishings, manour places, milnes, multors, and others of the said erected benefices, pertaining to those who have surrendered, as said is, in propertie; And whereof they had the right of propertie, the time of the said generall surrender acquired by them, eyther before or since the said erections, by whatsoever maner of way according to the Lawes of the Kingdome. Providing they hold the said propertie of his Majestie and his Successors, as the same were holden before the date of the said erections, And for payment of the few-mails, few-fermes, and other duties mentioned in the old infeftments of the said lands before the date of the said erections.

AND His Majestie and Estates declare all rights and deeds whatsoever, granted by his Majestie, or his umwhile dearest Father, or Grandmother, *Queene Marie*, to whatsoever titulars of erections which may prejudice his Majestie and his Successors, in the peaceable brooking, joyning and possessing of the said superiorities, and whole benefit thereof above-specified (under the exceptions alwaies and provisions above-written)

written) To be null, and of none avail, force nor effect by way of action, exception, or reply. And also findes and declares that the said Lords and titulars of erection shall hold their properie and proper lands, Of his Majestie and his Successors, as the same were holden before the date of the said erections. And for payment of the few-mails, few-fermes, and other duties mentioned in the old infeftments of the said lands granted to them and their auctors before the date of the said erections: It is alwaies provided, and declared, that these presents, nor no clause therein contained, shall be extended to the superiorities of whatsoever lands, baronies, and others, pertaining to whatsoever Archbishop, Bishop, and their Chapters: but that the same shall remaine with them and their Successors unhurt or prejudged by this present Act.

ACT XV.

ANENT HIS MAJESTIES ANNUITIE Of Teinds.



OUR SOVERAIGNE LORD,
And Estates of Parliament, ratifies and approves the Act of the generall Commission of Teinds and Surrenders, Of the date at Holy-rude-house the twenty ninth of May, 1627. years, whereby it is found and ordained, That his Majestie and his Successors shall have the constant rent and dutie following, payed out of the teind bolls of victuall. And our of the bodie of the rest of the teinds of the Kingdome redacted in money, Except

the teind bolls and silver payed to the Bishops, being the rent pertaining to them, in the estate wherein the same is presently payed or presently payable to them: And except the teind bolls and silver payed to Ministers in name of stipend for serving the cure, and to the Colledges, Hospitals, and other pious uses: That is to say, Of every teind boll of the best wheat ten shillings; Of everie boll of the best teind beare, eight shillings; And of everie boll of the best teind oates, meale, pease and rye, sixe shillings: And where oates are of that nature that they will not render above half meale, the rent to be three shillings: And where the bolls of victuall are of inferiour goodnesse, worth and price nor the best, That his Majesties annuitie forth thereof shall be modified proportionally. And where the rent doth not consist in victuall but in money, that his Majestie and his Successors shall have of every hundreth markes of Parsonage and Vicarage teind, not consisting in victuall rent, the summe of six markes money. Together with the Act of the said commission of the date at Holy-rudehouse, the eight of August, 1628. Whereby it is ordained, that the payment of the said annuitie shall have the beginning of the crop and yeare of God, 1628. Together with another act of the said commission,

of the date at Holy-rudehouse the fourteenth day of July, 1630. Whereby letters of horning are ordained to be direct at the instance of his Majesties Thesaurer, for payment of the said annuitie of the crops, 1628. and 1629. and yearly in time comming. Together with an Act of the convention of the Estates, of the date at Holy-rudehouse the twentieth of July, 1630. yeares, whereby the said Estates have ratified and approved the said act of the date and tenour foresaid, anent letters of horning, to be direct at the instance of his Majesties thesaurer, for payment of his Majesties annuitie of the crops and years of God, 1628 and 1629, and yearly in time comming. And siclik ratifies and approves the Act of the said commission, of the date the twentieth of March, 1631. yeares. Whereby it is ordained, that in all teinds which shall be unvalued betwixt and the first of August thereafter, that the heritor shall pay his just teind according to the fift part of the present rent, ay and while the constant rent be determined. And whereby it is statute and ordained, that his Majestie shall have right to uplift his annuitie according to the said fift part of the present rent, ay and while the said constant rent be determined, Together with another Act of the said Commission of teinds and surrenders of the date at Holy-rudehouse the fourteenth of December, 1631 yeares. And ratified by the Lords of Secret Councell upon the twentieth day of the said month of December. Whereby it is statute and ordained for an *interim*, that the annuitie of teinds, consisting in victuall, shall be payed to his Majestie of all yeares by-gone and in time coming conforme to the tenour of the said last Act, and that according to the just and true prices of the victuall in ilk part of the Country, computing for ilk hundred markes of the prices of the said victuall being redacted in money six markes for his Majesties annuitie. Which Act is thereafter upon the twentieth of December, 1631. ratified by the Lords of Secret Councell, And letters of horning and poynding ordained to be direct thereupon, and thereafter ratified by the Lords of Exchequer upon the twentieth of the said moneth of December. And his Majestie and Estates statute and ordaine the said annuitie forth of the teinds to be payed to his Majestie and his Successors, of the said crop and year of God, 1628. and of all yeares sensine and in time comming. And that aswell out of the unvalued as valued teinds conforme to the tenours of the said Acts of convention, secret Councell and Exchequer. And ordaines letters of horning and poynding to be direct by the Lords of his Majesties Exchequer at the instance of his Majesties Thesaurer, principall and depute, for payment of the said annuitie of all yeares by-gone and in time comming. And ordaines the Lords of his Majesties Exchequer, to sit at all convenient times for granting and discussing of suspensions, touching the said annuitie of teinds. It is alwaies declared, that the last clause and article contained in the said Act of annuitie, whereby the Commissioners thinke fit that the said annuitie of teinds shall bee annexed to the crown, is no waies ratified by this present act, nor no clause thereof. And that his M^{tie} takes to his own gracious consideration what to do thereanent in whole or in part, as his M^{ty} in his royall wisdom shall think most expedient. And whatever his M^{ty} shal do now or hereafter thereanent, shall be as valid and effectual, as if the same had been particularly exprest in this present act.

ACT XVI.

ANENT VASSALS HOLDING WARD.



OUR SOVERAIGNE LORD, And Estates of this present Parliament, ratifie and approve the Act of Parliament made by his Majesties umwhile Father, of eternall memorie, 18. Parliament, cap. 12. Intitulate, Act anent setting offewes to sub-vassals of ward lands in the whole heads and articles thereof. And farther his Majestie with consent of the said Estates, hath extended and doth extend the said act of Parliament and benefit thereof, in favour of his sacred Majestie and of the Prince of Scotland and their Successors in all time coming: And statutes and ordaines, that it shall no wayes bee lawfull to whatsoever Vassals, holding lands of his Majestie or of the Prince of Scotland, or of any Duke, Marquesse, Earl, Vicount, Lord, Prelate, Baron, or any other person whatsoever, holding their land of their Superiour by service of war and relief, to set their said lands, baronies, milnes, fishings, or any other lands or haritages whatsoever, holding ward, as said is, To any other person or persons in Few for payment of a Few-ferme dutie, or in any manner of holding, in prejudice of the said ward holding, without speciall advice and consent of their superiours, of whom they hold the same *respective*: And rescinds and annuls all former acts of Parliament of whatsoever date or tenor, which may in any sort derogate to this present act. And findes and declares that all and whatlomever infeftments to be granted otherwise, without consent of the said superiours *respective*, or their confirmation obtained thereto, doth no wayes stop the ward of the said lands, nor hinders the curle of recognition vacand, or which shall happen to vake in the superiours hands, in case of alienation of the same either of the whole, or of the most part thereof, according to the curle of the common Law, without consent of their superiours, but prejudice to their said superiours *respective*, and their successors, of the benefit of the said act of Parliament 1606: whereby all such infeftments and grants without consent, as said is, are declared to be null by way of action, exception, or reply. Which clause shall stand in favour of his Majestie, and in favour of the Prince, and their Successors, and other superiours *respective* foresaid, sicklike, and in the same manner as if the said clause were insert in this present act, and this act shall not be extended to deeds lawfull done in time by-gone, before the date of this present act, but onely *ad futura*.

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ACT XVII.

ACT XVII.

ANENT THE RATE AND PRICE
Of Teinds.

FORASMUCH As our Sovereigne LORD out of his Royall and Fatherly care, tendering the publique good of this his ancient Kingdome, did immediatly after his happie attaining to the Crown, publish and give forth his Royall declaration anent the reforming of the abuses used in leading of teinds, wherein his Majesties unwhile Father, of eternall and blessed memorie, laboured so much in his time, and for provision and maintenance of Kirks, and another pious uses forth of the said teinds: And now his Majestie being by Gods gracious providence present in his Royall Person within this his Majesties ancient Kingdome, and holding this his first Parliament of his whole Estates of the same, with whom his Majestie hath advised and resolved, to put that glorious worke anent the teinds to a full perfection.

THEREFORE, His Majestie with consent of the three Estates, by these presents statutes, ordaines, and declares, that there shall be no teind-sheaves, or other teinds, Personage or Vicarage led and drawn within the Kingdome, but that each heretor and life-renter of lands shall have the leading and drawing of their owne teind, the same being first truly and lawfully valued, and they paying therefore the price after-specified, in case they be willing to buy the same: or otherwise paying therefore the rate of teinde after specified. Like as his Majestie and Estates find and declare, that the just and true rate of teinds, is and shall be the fift part of the constant rent which each land payeth in stock and teind where the same are valued joynly, and where the teinds are valued apart and severally, that the just rate thereof, is and shall be such as the same is already or shall be hereafter valued, and proved before the said commissioners or sub-commissioners, deducting the fift part thereof for the ease of the heritors, reserving alwayes liberty to such as shall finde themselves enormly hurt by the leading of the said valuations, to persue for redifying of the same, before the commissioners appointed by his Majestie and Estates for that effect. And also his Majestie, with consent of the three Estates, finds and declares, that the price of all teinds which may be sold and annalied, consisting either in money, victuall, or other bodies of goods, is and shall be ruled and estimate according to nine yeers purchase, the prices of victuall and other bodies of goods whereof the teind consists, being redacted in money, according to the worth and price of victuall and goods in each part of the countrey, to the which the same is, and shall be prized and estimate by his Majesties commissioners already appointed or to be appointed to that effect. And findes and declares that each heritor in the Kingdome, being willing to buy his owne teind from the titulars having power to sell the same, shall be obliged to buy the teinds of his owne

owne lands, except so much as shall be locally assigned to the Minister, serving the cure of the kirk, for his maintenance, and to pay the prices foresaid betwixt and the terme of Martinmasse, in the yeare of God 1635. yeares, where the valuation of the teinds is made and approved before the date hereof, and where the same is not yet valued and approved within the space of two yeares after the same be valued and approved by the Commissioners, to be appointed by his Majestie and Estates to that effect after the expiring of the which time, his Majestie and Estates declare that the said titulars shall not be compelled to sell the same, except they doe it of their own good will and consent, with this declaration alwayes, that in case the impediment of not selling induring the space foresaid, flow from the titular by reason of his minority or other inhabilitie, in that case the heritor who offereth himselfe ready to buy his own teind within the space foresaid, shall have place so soone as the impediment is removed, to buy his teinds, notwithstanding of the expiring of the yeares and spaces above expressed. And it is declared that if the heritor be minor, and his Tutors neglect the buying of his teinds within the space foresaid, the minor shall have action against his Tutors *pro Damno & interesse*, but not action to compell the titular after the expiring of the space foresaid, for selling of the said teinds. And where the said teinds are coft by the heritors as said is, finde that the heritor shall bee obliged to give to the life-renter of the said lands, having right thereto by contract of marriage, life-rent, infestment, conjunct-fee, or reservation forth of the infestment of fee, the leading of the teinds of their said life-rent lands, for payment of the rate of the teind of the same. And sicklike finds that in all cases where teinds are not coft, that the heritors or life-renters of lands, who have the leading of their owne teinds by themselves, their tenants, and others in their name, shall be obliged to pay to the titulars of teinds the yearly rate thereof, according to the valuation of the same made or to be made, and to give securitie thereof, according to the order set downe and prescribed by the Commissioners of surrenders and teinds, or to be set downe by the Commissioners appointed, or to be appointed by his Majestie with consent of the Estates of this present Parliament, deducing so much thereof as shall be assigned to the Minister for his maintenance. It is alwayes declared, that whether the said teinds be sold or not, his Majestie shall have his annuitie forth of the same, according to the tenor of the act of annuitie. And because sundrie questions may arise both anent the valuation of teinds, and price of the same in divers parts of the countrey, and anent the securities to be made by the titulars to the heritors who buy their teinds, and by the heritors to the titulars of the price to be payed for the same where the teinds are coft, or for payment of the rate of teind where the same is not coft. And sicklike anent the provision of the Kirkes, with competent maintenance, and for division of the price of teinds betwixt the heritors and life-renters, and rectifying of valuations already led to the enorme hurt and prejudice of these, having interest. Therefore his Majestie and Estates have referred, and refer the determination of the said particulars, and all others concerning the teinds to the Commissioners appointed by his Majestie and Estates in this present Parliament. It is alwayes declared, that this present act shall

be no farther obligator against whatsoever Archbishops, Bishops, Parsons, Vicars, and other beneficed persons, being Ministers, nor their successors, but according to the provisions & conditions expressed in the submission, made by the Bishops to his Majestie, which is of the date the day of 1628 yeares, and registered in the bookes of commission of surrenders and reinds, upon the thirteenth day of July 1631 yeares: Which provisions and conditions are holden as expressed herein. And also it is declared, that the Vicarages of each Kirke being a severall benefice and title from the parsonage, shall be severally valued, to the effect the titulars or Ministers serving the cure, who have right to the said Vicarages, be not frustrate of the true worth of the said Vicarages.

ACT XVIII. ANENT THE EXCHEQUER.



OUR SOVERAIGNE LORD,
And Estates of this present Parliament, ratifie and approve that head and clause of Parliament, made upon the twentie two day of May, 1584: Whereby his Majesties unwhyle Father, of eternall memorie, with consent of the Estates, hath appointed and ordained, that all causes concerning his Majesties property, whether the same be suspensions, letters conforme, breaking of arrestment, deforcement of Officers in the premisses, or any thing depending thereupon, shall be discussed before his Majesties Exchequer in the Exchequer house. And likewise, his Majestie with consent of the Estates, statutes and ordaines, that the Lords of Exchequer appointed, or to be appointed by his Majestie, shall have undoubted power, warrant, and authoritie, to sit, cognosce, and decide in all the foresaid causes concerning his Majesties propertie, and others depending thereupon: And also in all causes concerning his Majesties annuitie forth of the reinds, and ordaines them to sit at all convenient times for passing & discussing of suspensions, and for deciding of all other actions concerning the said propertie and annuitie of reinds. And to direct letters of horning and poynding, and other execution necessary upon the decretes pronounced by them, of or concerning the premisses, and the horning to passe upon a simple charge of ten dayes, upon this side of the water of Dee: And upon twenty dayes by north Dee alennerly, at the discretion of the said Lords of Exchequer.

ACT XIX.

ACT XIX. COMMISSION FOR VALUATION OF

**Teinds not valued, rectifying the valuations of the
same already made, and other particulars
therein contained**

FOR SO MUCH As our Sovereign Lord, immediately after his happy attaining to the Crowne of this his ancient and native Kingdome, did out of his Royall and Fatherly care to the publique good thereof, give forth his Royall declaration anent the reforming of the abuses used in leading of teinds, and for provision and maintenance of Kirkes and other pious uses forth of the said teinds. And also for restoring the Crowne, to the superiorities of whatsoever benefices and temporalities thereof erected in temporall livings, and against other prejudices and detriments done to the Crowne, mentioned in the said declaration. And albeit his Majestie hath beene still urging and following the performance of the particulars foresaid these five yeares bygone, or thereabout, by commissions direct by his Majestie under his great Seal, to that effect, wherein there hath beene good progresse made, yet the same could not take a full end without the authoritie of a Parliament; Like as his Majestie out of his earnest and tender affection to the publique good of this his native kingdome; And for advancing the said great and glorious works intended by his Majestie, as said is, hath taken the paines to come hither in his Royall person, where his Majestie being present in solemne Parliament, with his three Estates of his said ancient Kingdome: Have resolved and concluded upon the particular acts and statutes, after following, tending to the publique good, peace, ease, and comfort of his said Kingdome and subjects thereof: Viz. His Majestie and Estates foresaid have ratified the act of commission of surrenders & teinds, of the date at *Windsor-house* the twentieth sixth day of June, 1627 yeares, whereby it is found meete and expedient, that the lowest proportion for maintenance of Ministers shall be eight chalder of victuall, or eight hundred marks proportionally, except such particular kirkes occurre, wherein there shall be a just, reasonable, and expedient cause to go beneath the foresaid quantitie; And hath referred the consideration of the reasons and causes thereof to the commissioners to be chosen by his Majestie, with consent of the Estates in manner contained in the said act. Like as also his Majestie and Estates by another act and ordinance, hath statute, ordained, and declared that each heritor and life-renter of lands *respective*, shall have the leading and drawing of their owne teinds, the same being first truly and lawfully valued, and they paying therefore the price after-specified, in case they be willing to buy the same, or otherwise, for the yearly payment of the rate of teinds after-specified. Like as his Majestie and Estates have by the said act, found & declared, that the true and just rate of teind is, and shall bee the fifth part of the constant rent, which ilk land payes

payes in stock and teind where the same are valued joyntly. And where the teinds are valued apart and severally, that the just rate thereof is and shall be such, as the same is already by vertue of the former generall commission of surrenders and teinds proved and valued to, Or else shall be hereafter valued and proved before the Commissioners to be appointed by his Majestie with consent of the Estates, deducing the fifth part thereof for the ease of the heritors: Reserving alwaies libertie to such as shall finde themselves enormely hurt by the leading of the said valuations, to pursue for rectifying of the same before the said Commissioners to be appointed by his Majestie and Estates foresaid, like as his Majestie and Estates have by the said Act found and declared, that the price of all teinds which may be sold and annalied, consisting eyther in money, victuall, or other bodies of goods, is, and shall be ruled and estimate according to nine yeares purchase. The prices of victuall and other bodies of goods, whereof the teinds consist being redacted in money according to the worth and prices of victuall and goods in ilk part of the countrie, To the which the same is and shall be prized and estimate by the said former Commissions of surrenders and teinds, or by the Commissioners to be appointed by his Majestie, with consent of the Estates: And also have found and declared, that ilk heritor in the Kingdome being willing to buy his owne teind from the titulars, having power to sell the same, shall be obliged to buy the teynd of his owne lands, except so much as shall be locally assigned to the Minister serving the Cure for his maintenance: And to pay the prices foresaid to the titulars betwixt and the particular times and diers exprest in the said Act. And also have found that the heritors shall bee obliged to give to the life-renter of the lands, the leading of their own teinds for payment of the rate of teind of the same. And also have found, that in all cases where teinds are not coft, that the heritors or life-renters of lands who have the leading of their own teinds by themselves, their tenants, and others in their names, shall be obliged to pay to the titulars of the said teinds the yearly rate thereof, according to the order set downe and prescribed by the former Commissions, or to be set downe by the Commissioners to be appointed by his Majestie, with consent of the Estates, deducing so much thereof as shall be assigned to the Ministers for their maintenance.

And because sundrie questions may arise anent the valuations of teinds and prices thereof, and anent the securities to bee made by the titulars to the heritors who buy their teinds, and by the heritors to the titulars of the price to be payed for the same, when the teinds are coft, or for payment of the rate of teind where the same is not coft; And anent the provisions of the Kirkes, with competent maintenance, and other particulars mentioned in the said act. THEREFORE His Majestie and Estates, by the said act did referre the determination thereof to the Commissioners to be appointed by his Majestie and Estates, With these declarations alwaies, that his Majestie shall have his annuities payed forth of the teinds according to the tenour of the said act of annuities; And that the Archbishops, Bishops, Parfons, Vicars, and other beneficed persons being Ministers, and their successors, should be no farther obliged in any of the premisses, But according to the provisions and conditions exprest in

in the submission made by the Bishops to his Majestie, which is of the date the day of 1628 years. And registrate in the said bookes of surrenders and teinds, upon the thirteenth of July, 1631 yeares. And that the Vicarages of ilk Kirke being a severall benefice and title, should be severally valued, to the effect the titulars and Ministers serving the Cure, who have right to the said Vicarages, should not bee frustrate of the true worth of the said Vicarages. and sicklike, His Majestie and Estates by another Act have found and declared, that his Majestie and his Successors have and shall have undoubted right to the superiorities of whatsomever erections, few-mails, few-fermes, and other casualties thereof, Reserving to such Lords and titulars of erection who subscribed the generall surrender, the fewamails, and few-ferwes of their said superiorities, ay and while they receive payment and satisfaction of the summe of one thousand markes usuall money of Scotland, for ilk chaldier of few-ferme victuall; and for ilk hundred markes of few-mails, and for ilk hundred markes of all other constant rent of the said superiorities, not consisting in victuall or money; and not being naked service of vassals, according to the tenour of his Majesties generall determination; and conforme to the conditions therein contained, as in the said three acts of this present Parliament at more length is exprest.

AND Forasmuch as it is necessarie for determination of the particulars foresaid, and of all such other points which are fit and expedient for the finishing and full perfection of the said glorious worke, anent the teinds, maintenance of Ministers and others foresaid, That a commission be granted by his Majestie, with consent of the Estates, and by authority of this present Parliament: THEREFORE His Majestie, with consent of the said Estates, hath granted, and by these presents granted full power and commision to the persons after following: To wit, Nine of the Clergie, nine of the Nobilitie, nine of the small Barons, and nine of the Burgeses; Together with my Lord Chancellour, and eight officers of Estate, viz. George Earle of Kinnowll Chancellour, William Earle of Morton Thesaurer, John Archbishop of Saint Andros, Thomas Earle of Hadingtown, Lord Privie Seale, Patrick Archbishop of Glasgow, William Earle of Marshall, George Earle of Wintown, John Earle of Perth, John Earle of Kinghorne, William Earle of Dumfreis, William Earle of Sterling Secretary, David Earle of Southask, John Earle of Traquar Thesaurer Depute, John Earle of Weymes, Archibald Lord Napier, George Lord Corstorpheine, Alexander Bishop of Dunkell, John Bishop of Murray, John Bishop of Rose, Adam Bishop of Dunblane, David Bishop of Breichen, Andre Bishop of Argyle, George Bishop of Orkney, Sir John Hay Clerk of Register, Sir Thomas Hope Advocate, Sir George Elphinstone Justice Clerk, Sir James Galloway Master of Requests, Sir Robert Spotswood, Sir James Learmonth, Sir James Lockhart younger of Ley, Sir John Charters, Sir Robert Grier, John Boyll of Kelburne, Sir William Douglas of Cavers, The Laird of Inchmartin, the Laird of Lugtown, John Sinklar, John, Maknacht, Archibald Tod, Edward Edger, Master Alexander Guthrie, Gabriel Cuninghame, Robert Tailyor, William Mickle-John, and Master Robert Cuninghame; or any fifteen of them, there being three of every Estate

Estate; with three of his Majesties officers of Estate, Of which number of fifteen, the Lords Chancellor, Thesaurer, and Privie seale, Archbishops of Saint-Andrews or Glasgow, Earle Marshall, and Earle of Wintown, or any one of them shall be one, to meet and convene at *Holyrude-house*, or *Edinburgh* at such times and places as they shall think fit; And there to prosecute and follow forth the valuation of whatsoever teinds, personage or vicarage within the Kingdome, which are as yet unvalued. And also to receive the report from the Subcommissioners, appointed within ilk Presbyterie, of the valuations of whatsoever teinds, led and deduced before them according to the tenor of the subcommissions direct to that effect. And to allow or disallow the same, according as the same shall be found agreeable or disagreeable from the tenour of their subcommissions. And also with power to rectifie whatsoever valuations, led or to be led, to the enorme prejudice of the titulars, and to the hurt and detriment or the Kirke, and prejudice of the Ministers maintenance and provisions, or of his Majesties annuities. and for the better expediting and advancing of the said valuations, with power to appoint Committees or Subcommittees of their owne number, To receive the reports of the said valuations made or to be made; And to receive, admit and examine witnesses, and to take parties oaths, with their depositions, where the same is referred to oath; And to give such farther power to the said Committees or Subcommittees of their owne number, as they shall think fit for the good of the worke, and speedy finishing of the same, And sicklike, with power to them if need be, to appoint Subcommissioners, not being of their own number within any parochin or Presbyterie of the Countrie, for leading and deducing of the said valuations, and to receive the reports thereof, allow or disallow of the same: And generally with power to them, to set down whatsoever other order or course which shall be thought fit and expedient for dispatch of the said valuations rectifying thereof or finall closing of the same. And sicklike, with power to the said Commissioners, or any fifteen of them, as said is, there being three of ilk Estate, with any one of the persons of the *quorum* above-specified, after the closing and allowance of the valuations of ilk Kirke and Parochin, To appoint, modifie, and set downe a constant and locall stipend and maintenance to ilk Minister, to be payed out of the teinds of ilk parochin, according to the tenour of the acts above-specified. Referring like as his Majestie referes, with consent of the said Estates, to the said commissioners, the triall of the reasons and causes which may move the said Commissioners to goe beneath the quantitie of eight chalders of victuall, or of eight hundred markes of money proportionally, in manner contained in the said act. And sicklike, with power to the said Commissioners, to divide ample and spacious parochines, where the same shall found necessarie and expedient, or to unite divers Kirks in whole or in part to others; And to ratifie and allow after triall and consideration such union or dismembring of Parochines, as hath been formerly made by vertue of the former Commissions. And sicklike with power to them, to appoint and provide for such other pious uses in each parochin, as the estate thereof may beare. And sicklike, with power to the said Commissioners, as said is, to take order that every

every heritor and life-renter of lands, shall have the leading of their own teinds, parsonages and vicarages thereof, they paying the price contained in the act above-specified, in case they be willing to buy the same from the titular, having power to sell, or otherwise paying the rate of teind exprest in the foresaid act; and to that effect, with power to the said commissioners to set downe the prices of sellable teinds, according to the worth thereof in each part of the countrey, where the same grow and are bred; and also with power to them to set downe such good and ample securities, as may stand by law, both for the buyers of teinds, to the effect the titulars may be fully denuded in their favour: And also for securitie to the titulars and sellers of the price due to be payed to them for the said teinds; And also to set downe the securitie in favour of the titulars and of the Ministers, so farre as concerne the maintenance assigned to them for good, thankfull, and timous payment of the rate of teind, where the same are not, or cannot be sold. And sicklike with power to the said commissioners, to discusse and determine all questions which may arise betwixt the titulars and heritors, anent the price of teinds, according to the nature and qualitie of the rights to be sold, whether the same be heritable or temporall, and to proportionate the price accordingly; and also to divide the price of teinds betwixt heritors and life-renters thereof; and betwixt titulars, taks-men, and others who have severall and distinct rights to the said teinds sellable, according to the qualitie of their rights: And also with power to them, to cause the titulars who sell their said teinds, to exhibit their rights and titles, to the effect that they may be lawfully denuded thereof, in favour of the said heritors and life-renters *respective*, without prejudice alwayes to his Majesties annuitie, to be payed forth of the said teinds by the said titulars of teinds, or heritors, or life-renters of lands, according to the tenor of the said act of annuitie; And generallie with power to the said commissioners, to decide and determine in all other points, which may concerne the leading and drawing of teinds, the selling and buying of the same, or payment of the rate thereof, contained in the acts of Parliament above-specified, or set downe in his Majesties generall determination; with this provision and declaration alwayes, that the Archbishops, Bishops, Parsons, Vicars, and other beneficed persons, being Ministers, and their successors, shall be no farther bound but according to the provisions and conditions exprest in the submission made by the Bishops to his Majestie, which is of the date the day of 1628 yeares, and registrate in the bookes of commission of surrenders and teinds, upon the thirteenth day of July 1631: Which provisions and conditions are holden as exprest herein. And also with this provision, that the Vicarages of each kirke being a severall benefice and title from the Parsonage, shall be severally valued, to the effect the titulars or Ministers serving the cure, who have right to the said Vicarages, be not frustrate of the true worth of the said Vicarages; And sicklike, because by the act above-specified, made anent superiorities of erections in favour of his Majestie, there is speciall reservation made to such titulars and Lords of erection, as have subscribed the generall surrender of the few-mails, few-fermes, and other constant rent of the said superiorities, aye and while they be payed of the price thereof

thereof contained in his Majesties generall determination, and according to the provisions specified therein. Therefore his Majestie and Estates give full power to the said commissioners or any fiftene of them, as said is, to call and convene before them the Lords of erection, and others having right to the said few-mails and few-fermes, & other constant rent of the superiorities of kirke-lands, at such particular diets as they shall appoint, and to urge the said Lords of erection and others foresaid, to give up their rentals of their said few-mails, few-fermes, and other constant rent foresaid of their said superiorities, conforme to his Majesties decreete and determination, given out there-ament; And with certification as is therein contained, and to liquidat the other constant rent of the said superiorities, not consisting in victuall or silver: to the effect after the full tryall of the said rentall and liquidation thereof, the said Lords of erection may receive the price of a thousand marks for each chalder of few-fermes, and for each hundreth markes of the other constant rent, being redacted in money in whole or in part proportionally, from his Majesties Thesaurers, principall, or depute, and in case of the absence and refusall of the saids titulars and Lords of erection, that the same may be confiscated in the hands of the Clerke to the said commissioners, to remaine consigned for their behove; after the which consignment, it shall be lawfull to his Majesties Thesaurers, principall or depute, to up-lift, receive, and intromet with the said few-mails, few-fermes, and other constant rent foresaid, of all yeares and termes after the said consignment, according to the tenor of the said generall determination; And also with power to the said commissioners as said is, to discusse and determine all questions that may arise betwixt the said Lords of erection and the heritors of the ground, pensioners, life-renters, & others pretending right to the said few-mails, and few-fermes, and to divide the price amongst them, according to the qualitie of their rights; & all other questions anent the few-mails, few-fermes, and other constant rent foresaid: Which by his Majesties generall determination is referred to the determination of the commissioners to be appointed to that effect; And whereas it may fall out that some of the commissioners now appointed by his Majestie and Estates, may be unable to attend the service, through death, sicknesse, or some other notable and knowne impediments; Therefore his Majestie reserves to himselfe the nomination of such other persons in their places, as his Majesty shall thinke fit, whom his Majestie by his letters shall recommend to the said commissioners, to the intent they may receive and admit them upon the said commission, and take their oathes for faithfull discharge of the same. And his Majestie and Estates ordaine this present commission to endure unto the last day of December in the yeare of God, 1635 yeares; and farther induring his Majesties pleasure, and aye and while the same be expressly discharged by his Majesties warrant, or letter to that effect. And his Majestie with consent of the Estates foresaid, findes, declares, and ordaines the acts, decretes, and ordinances of the commissioners foresaid, and of the other persons, who shall be surrogate in their places by his Majestie in manner foresaid, in the whole particulars above-specified, and every one of them, to have the strength, force, and authoritie of a decreete, sentence, and act of Parliament, and ordaines the

Lords

Lords of Session to grant and direct letters of homing, poynding, and others thereupon, upon a simple charge of ten dayes, or otherwise as shall be found necessary. Attour for clearing of all doubts & difficulties which may arise anent the rectifying of valuations, or other particuler heads followings: His Majestie and Estates have declared and declare, that where valuations are lawfully led against all parties having interest, and allowed by the former commissioners, according to the order observed by them, that the same shall not be drawne in question nor rectified upon pretence of enorme lesion, at the instance of the Minister, not being titular, or at the instance of his Majesties Advocat, for and in respect of his Majesties annuitie, except it be proved that collusion was used betwixt the titular and heritor, or betwixt the procurator fiscall and the titulars, and heritors, which collusion is declared to be where the valuation is led, with diminution of the third of the just rent presently payed, and which diminution shall be proved by the parties oathes. And likewise it is declared, that the provisions contained in the foresaid submission made by the Bishops, whereof mention is made in the foresaid act of tithes, and which is respected in this commission, shall be restricted to that whereof Archbishops, Bishops, Parsons, Vicars, or other beneficed persons being Ministers, Colledges, Hospitals, and other dotations to pious uses were in actuall and reall possession the time of the said submission, which shall remaine with them in quantity & quality, according to the tenor of the said provision: And if any question shall arise betwixt the said Archbishops, Bishops, Parsons, Vicars, and other beneficed persons foresaid anent the leading of teinds, that the same shall be referred to his sacred Majestie, and to his Royall pleasure to be signified thereanent. And also anent laick patronages pertaining to any his Majesties subjects, before the yeare of God, 1561 yeares: His Majestie and Estates declare that the same falls within the compasse of the generall submission made to his Majestie. And his Majesties determination given thereupon, and that alennarly in so farre as concernes a competent maintenance, to be locally payed forth of each Church, to the Minister and his successors; And anent the teinds of other mens lands; And anent the annuitie to be payed to his Majestie forth of the teinds of the said kirk: And as to the remanent teinds the same to pertaine to laick patrons in price or rate thereof in all cases, where the foresaid laick patrons were in possession of the teinds thereof, by the space of seven yeares within the fifteen yeares immediately preceding the date of the said generall submission: With this declaration, that where the titulars or Ministers provided to the said laick patronages and kirks thereof, were in possession of the benefices foresaid, and fruits and rents thereof, either by leading of the teinds, or by up-lifting and intrometting with the whole rents thereof, by the space of seven yeares of fifteen yeares immediately preceding the said submission, in these cases, the difference betwixt the said laick Patrons, and the Titulars, and Ministers, shall be referred to his sacred Majestie, and to his Royall declaration to be given thereanent, and ordaines all former commissions anent the premisses, to cease in time coming, and this onely to stand in force in time to come.

ACT XX.

ANENT THE KING HIS DESIGNATION OF
The Names to be insert in the Commissions anent the
Tithes and Lawes.



OUR SOVERAIGNE LORD, And
Estates of Parliament, considering that the Designation of the particular persons necessarie to beeing ingroft in the two severall commissions granted in this present Parliament; the one anent the teinds; and the other anent the survey of the Laws which was by the said Estates referred to his sacred Majesty. THEREFORE the said Estates appoint and ordaine the clerke of his Highnesse Register to insert in the said two severall commissions such particular persons names as his Majesty by his warrant, signed with his hand, shall appoint and ordaine to be insert thereunto. For doing whereof declares this present act to beeing als sufficient a warrant to the clerke of Register, as if the said commissioners names had been now presently insert in the said two severall commissions by his Majesty and estates of Parliament.

ACT XXI.

ANENT THE ANWELL OF EIGHT TO BE

Taken of ilk hundred in tyme to come alennerly, suspending the
same for three yeares, and in the interim two of ten
to be payed for the said space to his

MAJESTIE.



IN THE PARLIAMENT Holden at *Edinburgh*, upon the twentie eight day of June, the yeare of God 1533. For so much as his Majesties Lieges and good Subjects are heavily oppressed and burdened with exorbitant annual-rents, and interest taken for the use of money, far exceeding the rate and proportion taken in *England, France*, and other neighbour countries: THEREFORE His Majesty, with advise of the Estates, statutes and ordains, that notwithstanding of any former Act of Parliament, allowing ten pounds to beeing taken for each hundreth pounds in a yeare: yet thar no person after the date hereof take more than eight pounds for the use of the hundreth pounds in a yeare, and so proportionally in lesse or greater sums, under the paines contained in the former Acts of Parliament made against usurers.

AND for so much as his Majesty, out of his gracious goodnesse, with consent of the Estates, hath reduced the interest and profit of money from

from ten of the hundred to eight, conforme to this present Act. Therefore the Estates of Parliament presently convened, being sensible of the great good ensuing thereby, to this whole Kingdome in all times to come, make a voluntary and humble offer to his Majestie, that of the said ten payed by borrowers for each hundreth, during the space of three yeares next ensuing: two shall be payed to his Majestie, during the said space (by and attour the twentieth penny presently payed to his Majestie in this present running taxation) and that for the tearms of Martinmasse next, 1633 yeares, and Whitsunday 1634 yeares. And by and attour the sixteenth penny of the extraordinary Taxation now presently granted to his Majestie in this Parliament, to begin at Martinmas 1634 yeares. And hereby it is declared, that those who formerly borrowed moneys for eight of the hundred, shall be free of payment of the said two of ten, for such and the same quantities as they have formerly borrowed, and are presently adebted by them, for payment of eight of the hundred al- lenerly: and those who formerly borrowed for nine of the hundred, and are presently owing by them, shall be only lyable to pay one to his Ma- jestie of nine, during the said space, for such and the same quantitie of summes, as were formerly borrowed at nine for the hundred.

And it is further declared, that those who never borrowed moneys be- fore the date of this Act, and shall happen to borrow any summes of mo- ney hereafter (they being equally participant of the benefit of the said Act, and his Majesties gracious favour thereby extended to them with his other Subjects) shall be subject in payment of the said proportion of two of ten, during the space of three years, as said is: And ordains the lenners to pay the same yearly and termly, during the said space of three years, together and in one summe, with the twentieth penny of this present run- ning extraordinary taxation, for the said terme of Martinmasse next, 1633 yeares, and Whitsunday 1634 yeares. and together and in one summe with the sixteenth penny granted in this present Parliament, for the tearms of Martinmasse, 1634. Whitsunday and Martinmasse, 1635. & Whitsunday, 1636. beginning the first tearms payment of the said two of ten, at Mar- tinmasse next, and so tearmly thereafter, during the said space of three yeares and six termes. And the said Estates have agreed all in one voice to suspend, like as by these presents they suspend the execution of the said act, for the space of three years, after the date hereof: and by these presents declare that it shall be lawfull (notwithstanding of the said act) to all subjects within this Realme, to take ten markes for each hun- dred markes of their lent moneys, put out, or to be put out upon annuall- rent, conforme to the preceeding acts of Parliament, during the said space of three yeares next after the date hereof. And for inbringing of the said taxation of two marks of ten, ordain letters to be direct in the same forme and maner as is direct for collecting the foresaid extraordinary taxati- ons of the twentieth and sixteenth penny. And the same to be payed to- gether, and in one sum to his Majesties Collector generall, to be appoin- ted, or to his Deputies in his name, having his power to receive the same.

ACT XXII.

ACT XXII.

ANENT THE LORDS OF SESSION, THEIR

Taxation of ten shillings to be imposed upon everie
pound land of old extent.

IN THE PARLIAMENT Holden at *Edin-
burgh* upon the twentie eighth of June, the yeare of
God, 1633. OUR SOVERAIGNE Lord the
Kings sacred Majesty and Estates of Parliament pre-
sently convened: Remembring that at the first in-
stitution of the colledge of Justice, and divers times
thereafter in the Parliaments ratifying the same,
his Majesties royall Antecessors, and Estates of the Realme then assem-
bled, found the erection of that honourable Consistorie (which is a bidding
monument of the glorie of their reignes) not onely to be most usefull for
royall service, but also necessary and profitable for the peace of the King-
dome, and to the seene good and comfort of all the subjects. And consi-
dering that the provision allowed of before to the Lords of Session, was
no wayes sufficient for defraying of their charges, and that through
their continuall attendance, their private affaires are neglected, and great
losses thereby sustained by them.

THEREFORE, and to the effect the said Senators, and Lords of
Session present and to come, may be more encouraged to goe on, and to
persist as they doe in their zeale and affections to his Majesties service,
and in faithfull ministracion of Justice, to the generall weal of the Realme,
and all the Lieges: The said Estates with the speciall approbation, and gra-
cious good liking of the Kings sacred Majestie, have most freely condif-
cended, statute, & enacted, that a taxation be presently imposed upon their
lands and meanes, which with his Majsties consent foresaid, they ordaine
to be collected & payed to the effect, in manner, and at the termes follow-
ing, That is to say, The Duke, Marquesses, Earles, Vicounts, Lords, and
Commissioners of Shires for the temporall Estate, have granted that
there shall be up-lifted of every pound land of old extent within this
Kingdome, pertaining to Dukes, Marquesses, Vicounts, Lords, Barons,
and Free-holders, and Fewars of his Majesties proper lands, the sum of
ten shillings money, at every one of the foute termes following, viz: The
sum of ten shillings money at the feast and terme of Martinmasse next to
come, in this instant yeare of God, 1633 yeares: the sum of other ten shil-
lings money, at the feast and terme of Martinmasse, 1634 yeares: the sum
of other ten shillings money, at the feast and terme of Martinmasse, 1635
yeares: and the sum of other ten shillings money, at the feast and terme
of Martinmasse, 1636 yeares. And the Archbishops, and Bishops for the
spirituall Estate have granted that there shall be up-lifted of all Archbi-
shopricks, Bishopricks, Abbacies, Pryories, and other inferior Benefices,
within this Kingdome, at every one of the foure termes above-specified,
the just taxation thereof, as they have beene accustomed to be taxed in
all time by-gone, whensoever the temporall lands of this Kingdome
were

were stented to ten shillings the pound land of old extent: And the same taxation to be payed at every one of the foure termes above-specified. And the Commissioners of Burrowes for their Estate have granted, that there shall be up-lifted of all the Burrowes within this Kingdome, at everie one of the foure termes above-written, the just taxation thereof, as they have beenie accustomed to be taxed unto in all time by-gone, whensoever the temporall lands of this Kingdome were stented to ten shillings the pound land of old extent: And the said taxation to be payed at every one of the said foure termes above-written. And in regard that his Majestie hath erected fundrie Prelacies in temporall Lordships, whereby the owners thereof may claime to be taxed with the Barons of the temporall Estate, whereby the said Lords of the Session would be defrauded of a great part of the said taxation, destinate and appointed as said is.

Therefore the said Estates ordaine that all erections of Prelacies, and other small benefices, in whole or in part, in temporall Lordships, shall in payment of the said taxation, pay to the collectors thereof, so much of the said taxation, (*pro rata*) as if they were no wayes erected, and as they were subject to doe before the erection of the same. And sick like, it is statute & ordained that all dissolved benefices within this kingdome in whole or in part, shall be subject in payment of so much of the same taxation (*pro rata*) as they would have beene subject to pay, though the same had not beene dissolved. And that the parties who have gotten any part or portion of any Prelacies, or other inferior benefices dissolved, and new securities made unto them by his Majestie, of that part and portion thereof so dissolved, shall be subject in payment of the taxation thereof to the Prelate, or other beneficed person for his reliefe of the same taxation, as they would have beene, so the same had not beene dissolved, notwithstanding of any condition contained in the Infeftments and securities made by his Majestie to them in the contrary thereof. And farther, the said Estates annull and discharge all priviledges and immunities whatsoever, whereby any persons may thinke themselves free of payment of this present taxation: the priviledges granted to the ordinary Lords and Senators of the Colledge of Justice; and the taxation of the benefices given, disposed, and mortified for intertainment of the Universities, Colledges, and Hospiralls within this Kingdome, onely excepted. Attour, our said Sovereigne Lord, and Estates foresaid, have given and granted, and by these presents give and grant full power and authoritie to the said Lords of Session, to nominate, appoint, and elect their owne Collectors, one or more, as they shall thinke most expedient for up-lifting of the foresaid taxation, to the effect foresaid. Which summes of money, after they shall be in-gathered, as is before appointed; Our Sovereigne Lord, and the Estates foresaid destinate and ordaine to be mortified by employment upon land heritably, or for annual-rent, or other sufficient securitie, as may conveniently be found, for the use and benefit of the said ordinarie Lords of Session, present, and to come: To the effect, that the yearly profit and annuall of the said lands or moneys, (as the same shall happen to be employed) may be received by them and their successors in their said offices, yearly and termely, after the termes of payment of the same, and applyed to their behove, in manner, and conforme to the consuetude

suetude of the division of the yearly duety, presently allowed and received by them: and that by and attour the present provision and rents allotted to them by Parliaments heretofore. And to that effect, the said ordinary Lords of Session, shall with all convenient diligence make, subscribe, and deliver to his Majesties Thesaurer principall & deputie, a sufficient and valide security by band or contract, made by the sight and advice of his Majesties Advocate, for imploying of the said taxation, and whole benefit thereof, in whole or in part, as the same shall be up-lifted to the use and effect above-specified. And ordaine the particular forme and manner of up-lifting and in-gathering of the said taxation, and reliefe of the Prelats, Lord of erections, and other beneficed persons, to be conforme to his Majesties owne taxation, granted in this present Parliament in all points, except in so farre as concerneth the particular day to be appointed to the Vassals, for conveneing with the Prelats, Lords of erections, and other beneficed persons, for appointing and setting downe of their due and right proportions of the said taxations, which they ordaine to be upon the *seventeenth* day of *September* next to come, which is declared to be the precise day of meeting, to the effect foresaid; And that no farther citation, nor summoning shall be requisite to that effect, than the publication and proclamation of this present Act, at the market Crosses of the head Burrowes of this Realme, and holdeth the whole remnant clauses, and provisions of the Act of reliefe of his Majesties taxations, as here repeated. And ordaines letters to be direct hereupon.

ACT XXIII

RATIFICATION OF THE LIBERTIES

Of the Colledge of Justice



OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament, ratifies, approves, and confirms all Acts of Parliament, gifts, grants, & donations whatsoever, of all priviledges, freedoms, and immunities, made, given, granted, or conceived in favour of the Senatours of the Colledge of Justice, by any of his Majesties Royall Predecessors, or in any Parliament holden by them, dispensing alwayes with the generalitie hereof; And holding this generall ratification as sufficient, as if the whole priviledges, freedoms, and immunities, Acts, and grants thereof were specially and at length insert hereintill.

ACT XXIII.

ACT XXIII.

RATIFICATION OF THE PRIVILEDGES
Of the free Royall Burrowes.

OUR SOVERAIGNE LORD, And Estates of this present Parliament, Have ratified and approved, and by the tenour hereof ratifie and approve of new, all acts and constitutions of Parliament made by his Majesties Predecessours, in favour of the free burrowes of this Realme, and Burgeses and inhabitants within the same, with all privileges, freedoms, liberties and immunities granted and given to the whole burrowes in generall in any time by past, by any of our Sovereigne Lord, his Majesties noble Progenitors, with all that hath followed or may follow thereupon. And decernes and declares the same to have full strength, force and effect in all times hereafter; so that the same may be put to full and due execution in all points. And specially, without prejudice of the generalitie above-written, His Majestie and Estates ratifie the Act of Parliament made by his Highnesse Grandfather, umwhile King *James* the third 1466. His second Parliament, Cap. 11: Ordaining that none saile nor passe in Merchandise out of the realme but Freemen, Burgeses dwelling within Burgh, or their familiar factors, servants being with them in household at meat and drink (excepting and reserving to the Prelates, Lords, Barons and Clerks, as in the said act is contained: and all other exceptions contained in any act of Parliament in force, preceding the day and date hereof) And siclike the Act of Parliament made by King *James* the fourth of worthie memorie, in the Parliament holden at *Edinburgh* the eleventh day of March, 1503 yeares, Cap. 84. Ordaining that no person dwelling out of Burrowes, use any merchandise, nor yet buy nor sell wine, wax, filkes, spicerie, wad, nor siclike stuffe, nor yet staple goods: And that none pack nor pill in *Leith*, nor other places without the Kings burrowes, under the paine of escheat of the goods that bee topped, sould packed, or pilld, contrary to that statute. And siclik the 152 Act of umwhile King *James* the sixth His 12. Parliament: Ordaining that no person exercise the traffique of Merchandise, but Burgeses of free burrowes, under paine of escheat of their whole goods and geare, the one halfe to his Majestie, and the other halfe to the burgh apprehender. And giving power to every burgh by themselves or a collector, or commissioner depute by them to search the said unfree mens goods, intromet therewith as escheat, eyther within the Country, or any other part to arrest, call, follow and pursue before unsuspect Bailiffs to bee creat by them. As also the Sixth Act of King *JAMES* the Sixth, His ninth Parliament. Ordaining letters of horning to be direct against unfree men, not being burgeses of the free royall Burrowes, to finde caution for desisting from usurping of their liberties, in all the heads, clauses, articles and circumstances thereof, Like as his Majestie and Estates declare, that the said liberties and privileges, mentioned in the said Acts are

onely proper and competent to the free Burrowes Royall, that have vote in Parliament, and beare burden with the rest of the burrowes, and to no others. Prohibiting and discharging all persons who are not burgeesses of the said free Royall Burrowes, and beare not burden with the rest, Of all using and exercising of the liberties and priviledges foresaid, in all time comming. And ordaine, that letters of horning may bee direct by the Lords of Councell at the instance of all burrowes upon the foresaid Priviledges and former Acts of Parliament made thereupon: And this present Act in all times to come, for putting of the same to due execution with all rigour against them that do, or come in the contrary of the Acts and Priviledges foresaid, without calling of any partie.

ACT XXV.

RATIFICATION OF THE ACTS MADE

In favour of the Justices of peace, and their Constables;
and Commission to the Lords of Secret
Councell thereanent.



OUR SOVERAIGNE LORD,
And Estates of Parliament, ratifie, approve, and confirme the eighth Act of the twentie two Parliament, holden by King *James* the Sixth of eternall memorie, Intitulate, Anent the Justices for keeping of the Kings peace, and their Constables. In the whole heads, articles and clauses therein contained, admitting the generalitie hereof to be als valid and sufficient, as if the same were all herein *per expressum* ingroft. Attour

his Majestie, and Estates foresaid, give full power, authoritie and commission to the Lords of his Majesties privie Councell, to set downe and impose penalties upon such of the Justices of peace as shall not keep and observe the diets prefixed for their severall and particular meetings. And with power likewise to the said Lords of privie Councell to enlarge and amplifie the power and authoritie of the said Justices of peace, if they shall finde it necessarie and expedient; and what they shall decrete and determine thereanent, finde and declare that the same shall have the force, strength and power of an act of Parliament.

ACT XXVI.

ACT XXVI.

EXPLANATION OF THE ACTS OF PARLIAMENT made in favour of the Lords of session, anent twelve pennies of the pound to be payed in decretes, to be given by the said Lords hereafter.



OUR SOVERAIGNE LORD, And Estates of Parliament, for explanation of the former acts of Parliament, made in favour of the Lords of session, anent twelve pennies of the pound : Statute and ordaine, that whensoever the said Lords shall decerne & ordain 12 pennies of the pound to be payd in any decrete or sentence to be given or pronounced by them at any time hereafter; The same shall no wayes be payed by the parties, purchasers and obtainers of the said decretes and sentences, but by these parties alennerly, against whom the said decretes and sentences shall happen to be obtained and purchased : And the booking and extracting of the sentences shal nor be stayed for the not payment making of the twelve pennies of the pound, by the purchasers and obtainers of the said decretes.

ACT XXVII.

ANENT PARDON OF PENALL STATUTES.



OUR SOVERAIGNE LORD, Considering that the precise and rigorous exaction of the pains arbitrarie and pecuniall, adjected to penall statutes heretofore made, would prove a burdent to his Majesties lieges heave and insupportable, if by his Majesties grace and favour they should not be eased and liberate of the same; In consideration whereof his Majestie in this his first Parliament, holden in this his ancient and native Kingdome, being willing to give ease and reliefe to his subjects of the foresaid burden: Hath therefore been graciously pleased with consent of the Estates of Parliament, to discharge, freely pardon and remit, and by these presents discharges, freely pardons and remits all contraveeners of any of the said penall statutes for all deeds done by them contrary to the tenour of the same statutes in time by-gone. Except only the statutes concerning wearing and bearing of hagbuts and pistols, Taking of unlawfull usurie, Transporting of mony and gold, Slaying of red and black fish, with the penalties incurred by the concealers of annuall-rents, and wrongous up-givers of the inventars of their moneys. Which are no waies discharged by this present act, nor comprehended under the same.

ACT XXVIII.

RATIFICATION IN FAVOUR OF THE
 Vicount of Sterling, of the infeſtments and ſignature granted to him
 of the Dominions of new Scotland and Canada in America,
 and Priviledges therein contained, and of the dignity
 and order of Knight Baronets, and Act of Con-
 vention of Eſtates made thereanent.



OUR SOVERAIGNE LORD, And Eſtates of
 this preſent Parliament, Ratifie and approve all letters Pa-
 tents, and Infeſtments granted by King *James* the Sixth
 of bleſſed memorie, or by our ſaid Sovereigne Lord, unto
William Vicount of Sterling, and to his heires and aſ-
 ſignes of the Territories and Dominions of new Scotland and Canada
 in America; and eſpecially the Patent, Charter, and Infeſtment granted
 by his Majeſties unwhile deareſt Father of worthe memorie, of new
 Scotland, of the date the tenth day of September, the yeare of God
 1621. Item, another charter of the ſame, granted by his Majeſtie, un-
 der the great Seale, of the the date the twelfth day of July, 1625 years.
 Item, another Charter and infeſtment granted by his M^{re} of the Countrie
 and Dominion of new Scotland under the great Seale, of the date the
 third day of May, 1627 years. Item, another Charter and Infeſt-
 ment granted by his Majeſtie under the great Seale, of the River and gulf
 of Canada, bounds, and priviledges thereof, mentioned in the ſaid Patent,
 of the date the ſecond day of Februarie, 1628 years. Item, a Signature
 paſt under his Majeſties hand of the ſaid Countrie and Dominion, which is
 to be with all diligence expedit through the Seales, of the date at Whitehall
 the twenty fourth day of Aprill, 1633 years. With all liberties, privi-
 ledges, honours, jurisdictions and dignities *reſpective* therein mentioned.
 Together alſo with all execution, precepts, instruments of ſealings, and
 ſealings following, or that ſhall happen to follow thereupon. And alſo
 ratifies and approves the Act of generall Convention of Eſtates; at Ho-
 ly-rude-houſe, the ſixth day of July, the yeare of God 1630. Whereby the
 ſaid Eſtates have ratified & approved the dignities & order of knight Ba-
 ronet; With all the Acts of ſecret Counſell, and Proclamations follow-
 ing thereupon, made for maintaining of the ſaid dignitie, place and pre-
 cedencie thereof. And his Majeſtie and Eſtates foreſaid, will, ſtatute,
 and ordaine, that the ſaid letters Patents, Charters, and Infeſtments; and
 the ſaid dignitie, title, and order of Baronets, and all letters patents and in-
 feſtments of Lands, and dignities granted therewith, to any perſon
 whatſoever, ſhall ſtand and continue in full force; with all liberties, pri-
 viledges and precedencies thereof, according to the tenour of the ſame.
 And in a ſimple maner as if the bodies of the ſaid letters patents, infeſt-
 ments, & ſignature above mentioned were herein particularly ingroſſed and
 expreſſed. And ordaine intimation to be made hereof by open proclama-
 tion to all his Majeſties Lieges, at the market croſſe of Edinburgh, and o-
 ther places needfull, that none pretend ignorance hereof.

ACT XXIX.

ACT XXIX.

IN FAVOUR OF THE EARLE OF

Mortoun, and the Lord *Dalkeith* his Sonne;Anent the Loch of *Levin*, and preserva-
tion of the fishings thereof.

OUR SOVERAIGNE LORD, And Estates of this present Parliament, considering that the Loch of *Loch-Levin* pertaines heritably in propertie to his Majesties right trustie Cousin and Counsellor *William Earle of Mortoun*, Lord great Thesaurer of this Realme, and *Robert Lord Dalkeith* his Sonne; and that the said Loch is well plenished and furnished with Pykes, Perches, and Trouers of divers kinds; And that when the fish ascend forth of the said Loch, to the waters, burnes, and strypes that fall in the same to spawn therein, There is great slaughter & destruction of them committed by the country people about, wherby the said Loch & fishing thereof is not of such worth to the heritors of the said Loch, nor to the countrey about, as it would be if the said fishes were not slain in the said waters, burnes, & strypes. For remedy whereof, his Majestie, with advice & consent of the Estates of this present Parliament, statutes & ordaines that none of his Majesties Lieges slay any Pyks, Perches, Trouers, or any other fishes in the waters, strypes, or burns, that fall in the said Loch, or run forth thereof, within the space of five miles to the said Loch, under the paine of ~~twentie~~ *twentie* pounds usuall money of this Realme, to be payed by each contraveener; ~~toties quoties~~ for each contravention: and ordaines the said whole paines and unlaues of contravention to appertaine to the said Earle of *Mortoun*, & his said Son, their heires and successours; And by these presents gives and grants power and commission to them and their Bayliffes and Deputes, to call before them within the towne of *Kinrosscher*, all persons suspect of slaying of the said fish within the said burnes, waters, Loch, or strypes, within the said space of five miles to the said Loch; And as they shall be found guilty or innocent of slaying thereof, to assoylie them, or unlaw them in the unlaues foresaid; And to decerne and ordaine the persons convict to pay the same unlaues to the Proctour fisall to be appointed for that effect, by the said Earle of *Mortoun*, his said son, or their foresaids; And ordaines letters of horning upon a simple charge of six dayes, poynding, and other letters and executorial requisit to be direct for payment to the said proctour fisall of the said unlaues; And ordaines publication to bee made hereof, in forme as effectis.

ACT XXX.

ACT XXX.

ANENT THE CLAN-GREGOUR.



OUR SOVERAIGNE LORD, And three Estates of this present Parliament, understanding that albeit by the great care of his Highnes umwhile dearest Father of eternal memory, the *Clan-Gregour* was suppressd and reduced to quietnes, yet of late, they are broken forth againe to the heave oppression of many of his Majesties good subjects, who dwell near to the part where they resort, & specialie in the Sherifdome of *Perth*, *Sterling*, *Clackmannan*, *Monteith*, *Lennox*,

Angus, and *Mernes*. Therefore, for the timous preventing of the disorder and oppression that may fall out by the said name & *Clan of Mac-Gregour*, and their followers, and for farther suppressing of them; Ratifie and approve all Acts of Councell and Acts of Parliament, made and granted heretofore, against the said wicked and rebellious *Clan of Mac-Gregour*. And farther, his Majestie and Estates of Parliament statute and ordaine, that the said name of *Clan-Gregour* and every one of them, as they come to the age of sixtene yeares, shall thereafter yearly give their compearance before the Lords of privie Councell, upon the twenty fourth day of July, if it be a lawfull Councell day; & faillieing thereof the next Councell day thereafter, & there find caution for their good behaviour & obedience in all time coming; And take to them some other surname, conforme to the acts of Councell alreadie made there-anent; And if they faile in not compearance as said is, and goe to the horne, that then it shall be lawfull to any of his Majesties Lieges, to take and apprehend them, and present them to the Sheriffe of the Shire, or his deputies, or to the Stewarts of the Stewartrie, or their deputies, to the effect they may be presented before the Lords of privie Councell, there to be taken order with as effeiris. And if it shall happen any of his Highnesse good Subjects in taking any of the said *Clan-Gregour*, being put to the horn as said is, to hurt, mutilate or slay any of them, the partie who shall happen so to do, & their complices, shall no wayes be subject nor lyable to law therefore, nor incurre any paine or skathe in body or goods, and shall be free of all pursuit criminall or civill to be intended against them; at the instance of his Highnesse Advocate, or any other partie; But the same shall be holden and repute as good service done to his Majestie. And farther, our said Sovereigne LORD, and Estates foresaid, for the better extinguishing and extirpating of the said wicked and lawlesse Limmers; Statute and ordaine that no Minister nor Preachers within the bounds of the *High-lands* or next bordering countreys thereto, *Banffe*, *Innernes*, or regalitie of *Spynie*, or *Elgin*, *Forres*, shall at any time hereafter baptize and christen any male childe with the name of *Gregour*, under the paine of deprivation,

privation, and that no Clerke or Notar in any time coming, shall make or subscribe any band or other securitie under the name of *Gregour*, or *Mac-Gregour*, under the paine of deprivation. And siclike, statute and ordaine that all and whatsoever of the said *Clan-Gregour* that shall happen to bee within the said Kingdome upon the fifteenth day of March next to come, shall give their compearance before the Lords of privie Councell at *Edinburgh*, or where it shall happen them to bee for the time, or the next Councell day thereafter; To the effect that such of them as have already found caution, and whose cautioners are dead, may finde new caution for their good behaviour in time coming. And such of them who have never found caution, may finde caution and suretie for their obedience in time coming, with certification to them if they doe not compeare, and that the Lords of privie Councell, for their disobedience, shall direct letters of horning against them, or any of them, and that they therefore be put to the horne; that then it shall bee lawfull to any of his Majesties good Subjects, to take and apprehend them, where ever they may bee had, and put them to the next Sheriffe, Stewart, Bayliffe of regalitie, or their deputes; To any of the Justices of peace, or to the Provost and Bayliffs of Burrowes, to the effect they may present them before the Lords of his Majesties privie Councell, that such order may bee taken with the said rebels, as the said Lords shall thinke expedient. And farther, our said Sovereigne Lord declares, that if any of his Highnesse good subjects shall happen in intaking of the said rebels, to hurt, mutilate or slay any of them, the partie who shall happen so to doe, and their complices, shall no wayes bee subject nor lyable to law therefore, nor incurre any paine or skathe in their bodie or goods; and shall bee free of all pursute criminall or civill, to be intended against them, at the instance of his Highnesse Advocate, or any other partie: But the same shall bee holden as good service done to his Majestie. And likewise, his Majestie and Estates foresaid, statute and ordaine, that if any of the said *Clan-Gregour*, who shall happen to have compeared, and found caution in manner above-specified, bee found masterlesse in time coming, having neither possessions nor callings, whereupon to live, nor will not take them to service, That it shall bee lawfull to any of his Highnesse good subjects to take and apprehend them, and present them to the next Sheriffe, Stewart, Bayliffe of Regalitie and their deputes, or to the Provost and Bayliffes of Burrowes; and that they may present them to the Lords, and others of his Highnesse Councell, there to bee taken order with, as they thinke meete. And siclike, his Majestie and Estates of Parliament, statute and ordaine, That if any of the said *Clan-Gregour* shall happen to bee put to the horne by letters of horning direct against them by the Lords of Councell, for the cause above-written: And that publication bee made thereof by the said Lords, to all his Majesties Lieges, and at all places needfull; That then whatsoever person or persons shall refate, supply, or intercommon with the said rebels, or any of them, or supply them with meate, drinke, lodging, or weapons, directly or indirectly, or any other

other necessaries, shall be punished in their bodies, goods, and geare, as intercommoners with rebels and forners, conforme to the lawes of this Kingdome against intercommoners and forners. And also his Majestie with consent of the Estates foresaid, statutes, ordaines, and commands all Sheriffes, Stewarts, Provests, Bayliffes of Burrowes, and Regalities, and all and sundrie his Majesties good subjects to assist and concurre with any of his Highnesse good subjects, who shall happen to be in pursute of the said rebels. And siclike, statutes and ordaines the said Provests, and Bayliffes of Burrowes, and Bayliffes of Regalitie, to receive from the hands of his Highnesse good subjects, the said rebels, who shall happen to be apprehended by them in manner foresaid, put, keepe, and deteine them in sure ward and firmance, aye and while they be presented before his Majesties Councell, or Justice. And lastly, his Majestie and Estates foresaid, for suppressing of the said lawlesse limmers and *Clan of Mac-Gregour* nominates and appoints the Sheriffes of the Sherifdomes of *Perth*, *Dumbartane*, *Angus*, *Mernes*, *Stirling*, and Stewarts of the Stewartries of *Stratherne*, *Monteith*, *Banffe*, *Inverness*, *Elgin*, and *Forres*, and their deputies, and the Shireffe of *Cromartie* and his deputies, and the Provests and Bayliffes of the Burrowes there; The Earles of *Errole*, *Montros*, *Athol*, *Perth*, *Tullibairdin*, *Sea-forth*, Vicount of *Stormonth*, Lord *Ogilvie*; The Lairds of *Glenurquhy*, *Lawers*, *Garntullie*, *Weymes*, *Glenlyon*, *Glenfalloch*, *Edinamhill*, *Grant*, or any of them, his Majesties Justices in that part, for setting, trying, and doing Justice upon the said rebels of *Clan-Gregour*, or any of them and their complices, who shall be apprehended by any of his Highnesse good subjects, for theft, forning, or slaughter, with power to them to hold Courts, proceed and minister Justice upon the said rebels apprehended, as said is, as accords. And where ever his Majesties good subjects shall happen to apprehend any of the said rebels forning, committing theft or slaughter, and shall present them to the said Lords of Councell, Justice or Justice generall, or Commissioners above-specified, or either of them, the doer of that service, shall have for his reward, the moveable goods and geare of the offender, taken and presented by him in manner foresaid.

ACT XXXI.

IN FAVOUR OF HIS MAJESTIE AND

Lieges, Intitulate; *Salvo jure cuiuslibet*.

OUR SOVERAIGNE

LORD and Estates of Parliament declare that no particular Acts made in favour of any of his Majesties subjects at this present Parliament, nor no acts of ratification made in their favour, shall prejudice his Majestie nor his successours, of the acts and statutes underwritten, made in favour of his Majestie in this same Parliament, viz. The act of his Majesties revocation: The act anent the superiorities of erections: The act anent regalities of erections; and the acts

made or ratified anent his Majesties annexed properties: And his Majestie and Estates, finde and declare the said particular acts, and acts of ratification, made in favour of any of his Majesties subjects, in so far as the same, or any of them may prejudice his Majestie or his successours, of the said acts & statutes, made in his Majesties favour, or of the benefit thereof in whole or in part, to be null and of none avail, force, nor effect, by way of exception or reply. And siclike, statute and ordaine that the said particular acts, and acts of ratification, shall not prejudice any third party of their lawfull rights, nor of their actions and defences competent thereupon, before the making of the said particular acts and acts of ratification; But that the Lords of Session and all other Judges shall be obliged to judge betwixt the parties, according to their rights standing in their person, before the making of the said particular acts. And that in respect the said particular acts, and acts of ratification, are made without hearing of parties having interest; and therefore are made *Salvo jure cuiuslibet*; Like as his Majestie and Estates declare, That this is & was the true meaning of all the acts made in the preceding parliaments, Intitulate, Acts *salvo jure cuiuslibet*; Excepting alwayes forth of this present act a ratification of the mortification of the Abbacie of *Dundrenan* to the Chappell royall, in favour of the Bishop of *Dunblane*; The act of ratification of the benefice of *Faifaird* with the pertinents, granted to Master *Walter Quysfaird*, with the act of dissolution of the Abbacies of *Holy-rude-house* and *New-Abby*, all past in this present Parliament: excepting also forth of this present act, The act of ratification and dissolution, made in favour of the Marquesse of *Hamilton*, anent his right to the impost of the Wines new and old, gifted by his Majestie to him for the space of sixteene yeares specified in his gifts and grants

grants made to him thereupon; and also excepting forth hereof the ratification of the contract ~~past~~ betwixt his Majestie and the Lord *Lorne*, Agent the heritable office of Justiciarie, within the bounds therein mentioned, dated the third, and twentie third day of April, 1628 yeares: And of the Charter under the great Seal, precept, and instrument of seizing following thereupon, together with libertie of creation of Clerks & members of court, directing of precepts, and letters of homing, and power to denounce; and with all other priviledges therein contained. And siclike of the three severall acts of Councell and an act of Exchequer, all relative to his rights of the said office of justiciarie, and in favour of the said Lord *Lorne*.

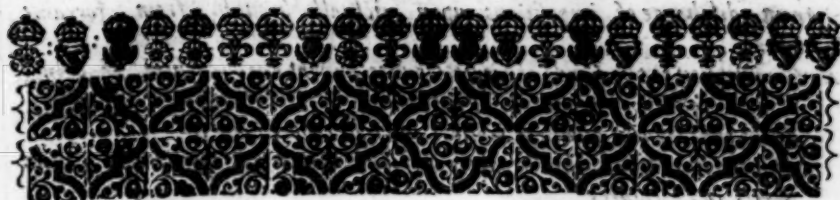
Page 51 line 18. for respected read repened.

Collected, visied and extracted forth of the Book and Register of the Acts of Parliament, by me Sir John Hay of Lands Knighr, Clerke of his Majesties Councell, Register and Rolls: Under my Signe and Subscription manuell.

JOHANNES HAY
Clericus Registr.

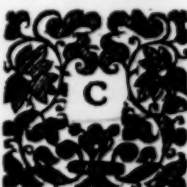
FINIS.





A
T A B L E
O F

The Particular Acts and others exped and past in
this first Parliament of our Sovereigne Lord Charles,
By the grace of God King of Scotland, England, France, and
Ireland, Defender of the Faith; Holden at Edinburgh,
the twentie eight day of June 1633 yeares, not
imprinted.

- 1  *Commission for surveying the Lawes.*
 - 2 *Commission anent the admiraltie and chamberlanry*
 - 3 *Commission to the Lords of secret Councell, for deciding
the question betwixt the Shires of Perth, Forfar and
Fyfe, and the burgh of Dundie anent the Ladle full
of corne brought to their markess.*
- Anent the petition given in by the Tanners, against the Lord Er-
skeine.*
- Anent Master David Wedderburnes Grammer.*
- Anent freedom of foggage, pasturage, &c. to Ministers.*
- Anent reforming the malt-mens price betwixt the boll of beir and
malt.*
- Anent establishing of correction houses.*
- Anent the mutuall interchange of forbidden goods betwixt Scotland
and England.*
- Anent inbringing of manufactories.*
- Anent reformation of abuses in presenting playding to faires and mar-
kess.*
- Anent discharge of Robert Buchanes patent of the pearle and all o-
ther monopolies.*
- Anent reformation of bleaching of linen clath.*

A TABLE OF THE ACTS

- Anent discharge of impositions upon victuall brought from forraine parts.
- 4 Commission to the Lords of seeres Councell anent the scarstie of coyne, of gold, and silver within this Kingdome.
Anent the frequent course of Dittors and base copper money.
Anent the penaltie of the breakers of the Act of Parliament, anent mettis and measures.
Anent addition to the booke of rates of the prices to be taken by the Clerke of the bills for allowance of comprisings.
 - 5 Protestation by his Majestie anent the coyne.
 - 6 Commission to the Lords of secret Councell anent the petition presented by John Lord Torphishen in Parliament.
 - 7 Commission to the Lords of secret Councell anent the Lord Spynies gift, of being Generallmuster-master, and Collonel within this Kingdome.
 - 8 Commission to the Councell anent the exchange of Moneys betwixt Scotland and England.
 - 9 Commission to the Councell anent the criminall judicatorie.
 - 10 Commission to the Commissioners of surrenders, anent the disjoyning of meikle and little Dalionns from the Kirke of Mouswald, and planting of the new Kirke of Beith.
 - 11 Commission to the Lords of Exchequer anent Robert Young printer his gift.
Anent the petition of Iohet Keine and the heires of Andrew Hart.
Anent Master Robert Craiges pension of five hundreth pound.
Anent the mean Vassalls of Kirke-lands their enterie.
Anent upholding of the cathedrall Kirke of Orkney.
Anent the Vassalls, of ward lands.
 - 12 Commission to the Councell anent the Ministers stipends of Edinburgh.
Anent the rebels within the Sheriffdomes of Elgine, Forres, Nairne and Inverness.
Anent the erection of Stranraer in a free burgh, and the burgh Wigtowns petition in the contrary.
Anent directing of letters against the inhabitants of the west and north Isles.
Anent the articles given in by the inhabitants of Orkney and Shetland.
Anent the prices of these writes that passe the Chancellarie.
Anent erecting of a Colledge of Physitians in Edinburgh.
 - 13 Commission to the Commissioners of surrenders anent the Kirks of Nisbet and Crailing.
 - 14 Act anent the dissolution of the Abbacies of Holy-tride-house and New-abbey.
 - 15 Act of rehabilitation of Frances Stewart, with provision therein, in favour of the Marques of Hamiltoun, and sir Thomas Thomson.
 - 16 Protestation Bishop of Dunblane.
 - 17 Protestation sir Patrick Murray of Elibanke.
 - 18 Protestation Marquesse of Douglas.
 - 19 Protestation Laird of Wauchstoun.

NOT PRINTED IN A

- 20 Protestation fir James Lokhart younger of Ley.
- 21 Protestation fir James Maxwell of Calderhead.
- 22 Act in favour of the Earles of Roxburgh & Angus.
- 23 Act in favour of Master Robert Craige.
led, De feudis.
- 24 Act in favour of William Dowglas of Cavers.
- 25 Act of naturalization of certaine noblemen and gentlemen of England.
- 26 Act in favour of George Earle of Kinwoud Chancellor.
- 27 Protestation Archbishop of Saint Andrews.
- 28 Act in favour of the Duke of Lennox.
- 29 Protestation Lord Lindeſay.
- 30 Act in favour of the Marques of Hamilton.
- 31 Act in favour of the Marques of Hamilton.
- 32 Act in favour of the Earle of Sutherland and
sherifship of Sutherland, and making thereof a distinct sherifdame
and erecting Dornoch in a free burgh Royal.
- 33 Act in favour of the Earle Marshall.
- 34 protestation Bishop of Murray.
- 35 Act in favour of the Earle of Buchane, for precedence before
taint oſber Earles.
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